

HOUSE

LIBRARY  
OF THE  
UNIVERSITY OF ILLINOIS  
18 MAR 1915

No. 1751

---

# DOCUMENTS AND PAPERS

SUBMITTED BY THE

## MASSACHUSETTS COMMISSION ON ECONOMY AND EFFICIENCY

TO THE

HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF  
THE COMMONWEALTH OF MASSACHUSETTS  
IN GENERAL COURT ASSEMBLED.

---

FEBRUARY 15, 1915.

---

BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
32 DERNE STREET.  
1915.



353.9744

1138d

[Ordered printed on motion of Mr. Quinn of Swampscott.]

## The Commonwealth of Massachusetts.

COMMISSION ON ECONOMY AND EFFICIENCY,

ROOM 110, STATE HOUSE, BOSTON, Feb. 15, 1915.

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled.*

In compliance with an order adopted by the House of Representatives Jan. 13, 1915, and by the Senate in concurrence Feb. 9, 1915, said order providing "that the Commission on Economy and Efficiency be directed to furnish to the General Court copies of all documents and papers presented to the Governor and Council in respect to the recent investigation of the Department of Animal Industry and the removal of the commissioner therefrom," the Commission on Economy and Efficiency submits herewith the following documents and papers:—

1. Copy of "Report on the action taken by the Department of Animal Industry to extirpate the foot-and-mouth disease in Massachusetts, submitted to His Excellency the Governor and the honorable Council, by the Commission on Economy and Efficiency, Dec. 23, 1914."

Report contains copies of the following documents which are not submitted as separate documents:—

(a) Copy of telegram sent from Albany, N. Y., by Dr. William T. White, an agent of the Massachusetts Department of Animal Industry, to "Fred F. Walker, 138 State House, Boston, Mass."

(b) Copy of letter dated Nov. 6, 1914, from "United States Department of Agriculture, Bureau of Animal Industry, Washington, D. C.," to "Mr. Fred F. Walker, Commissioner of Animal Industry, Boston, Massachusetts," signed by "J. R. Mohler, Acting Chief of Bureau."

(c) Copy of letter dated Nov. 11, 1914, from "The Commonwealth of Massachusetts, Council Chamber," to "Mr. Fred F. Walker, Bureau of Animal Industry, State House, Boston," signed by "E. F. Hamlin, Executive Secretary."



2. Copy of transcript of notes taken at the hearing given by the Commission on Economy and Efficiency to Mr. Fred F. Walker, Commissioner of Animal Industry, at Room 110, State House, Boston, Monday, Dec. 21, 1914, at 2.30 p.m.

3. Copy of letter dated Dec. 14, 1914, from "The Commonwealth of Massachusetts, Office of Department of Animal Industry," to the "Commission on Economy and Efficiency," and signed by "Fred F. Walker, Commissioner."

(3a) Copy of schedule dated Dec. 12, 1914 (inclosure submitted with No. 3), showing list of herds condemned and destroyed by the Commissioner of Animal Industry, because affected with or exposed to foot-and-mouth disease.

4. Copy of memorandum showing a summary of the total number of each type of animal condemned and destroyed by the Commissioner of Animal Industry, because affected with or exposed to foot-and-mouth disease as of Dec. 12, 1914.

5. Copy of memorandum relative to the appraisal of cattle destroyed on account of foot-and-mouth disease belonging to the herd of J. W. Ellsworth and the herd of H. Levine, both of Worcester, Mass.

(5a) Copy of memorandum relative to the appraisal of cattle destroyed on account of foot-and-mouth disease belonging to the herd of W. B. Fearing, Hingham, Mass.

6. Copy of schedule showing payments on account of foot-and-mouth disease up to Dec. 1, 1914.

7. Form used by "The Commonwealth of Massachusetts, Office of Department of Animal Industry, State House, Boston," which owner of animals affected with or exposed to foot-and-mouth disease signs.

8. Copy of letter dated Dec. 15, 1914, from "The Commonwealth of Massachusetts, Office of Department of Animal Industry," addressed "To the Honorable Board of Commission on Economy and Efficiency," signed by "Fred F. Walker, Commissioner."

(8a) Copy of telegram (inclosure with No. 8) dated Nov. 5, 1914, from H. E. Paige, Amherst, Mass., to Fred F. Walker, State House, Boston.

(8b) "F. I. Form 93 B" (inclosure with No. 8), "United States Department of Agriculture, Bureau of Animal Industry."

9. Copy of letter dated Dec. 16, 1914, from "The Commonwealth of Massachusetts, Commission on Economy and Efficiency, Room 110, State House, Boston," to "Thomas J. Boynton, Esq., Attorney General, State House, Boston," signed by chairman of the commission, requesting an opinion on No. 7.

10. Copy of extract from daily journal of the Massachusetts Commission on Economy and Efficiency, dated Dec. 19, 1914.

11. Form "The Commonwealth of Massachusetts, Office of Department of Animal Industry, State House, Boston" — modified form not in use prior to Dec. 21, 1914.

12. "F. I. Form 99 B, United States Department of Agriculture, Bureau of Animal Industry."

13. Copy of letter dated Dec. 16, 1914, from "The Commonwealth of Massachusetts, Commission on Economy and Efficiency, Room 110, State House, Boston," to "United States Department of Agriculture, Bureau of Animal Industry, Washington, D. C., Chief of Bureau," signed by the chairman of the commission.

14. Copy of letter dated Dec. 26, 1914, from the "Department of Agriculture, Bureau of Animal Industry, Washington, D. C.," to the chairman of the Commission on Economy and Efficiency, Room 110, State House, Boston, signed by A. D. Melvin, Chief of Bureau.

15. Copy of two extracts from the daily journal of the Massachusetts Commission on Economy and Efficiency, dated Dec. 21, 1914.

16. Copy of memorandum relative to payments made in the fiscal year 1914 by Commissioner Walker to Langdon Frothingham, M.D.V., chairman of the Massachusetts Board of Registration in Veterinary Medicine, for expert services relative to work performed by the Massachusetts Department of Animal Industry.

17. Copy of memorandum relative to payments made in the fiscal year 1914 by Commissioner Walker to L. H. Howard, M.D.V., member of the Massachusetts Board of Registration in Veterinary Medicine.

18. Copy of legal references in relation to the Massachusetts Department of Animal Industry.

19. Book issued by "The Commonwealth of Massachusetts, Department of Animal Industry, Laws relating to Contagious Diseases of Domestic Animals, 1912."

Respectfully submitted,

COMMISSION ON ECONOMY AND EFFICIENCY,

FRANCIS X. TYRRELL, *Chairman.*

THOMAS W. WHITE.

RUSSELL A. WOOD.





REPORT ON THE ACTION TAKEN BY THE DEPARTMENT OF  
ANIMAL INDUSTRY TO EXTIRPATE THE FOOT-AND-  
MOUTH DISEASE IN MASSACHUSETTS SUBMITTED TO HIS  
EXCELLENCY THE GOVERNOR AND THE HONORABLE COUN-  
CIL BY THE COMMISSION ON ECONOMY AND EFFICIENCY  
DEC. 23, 1914.

---

DEC. 23, 1914.

To His Excellency DAVID I. WALSH, *Governor, and the Honorable Council, State  
House, Boston.*

GENTLEMEN: — Acting in accordance with chapter 719 of the Acts of the year 1912, as amended by chapter 698 of the Acts of the year 1914, and with the power and authority therein contained, the Commission on Economy and Efficiency respectfully submits the following report relative to the work of the Department of Animal Industry in its effort to extirpate the foot-and-mouth disease in Massachusetts. The investigation upon which this report is based was made on the initiative of this commission.

The foot-and-mouth disease, which is extremely contagious although not fatal, has swept over the State, resulting in the killing of 5,161 cattle and other live stock by agents of the Massachusetts Department of Animal Industry.

According to the testimony of Commissioner Walker of the Department of Animal Industry, in conference with the Commission on Economy and Efficiency, the first intimation he had of the recent epidemic of foot-and-mouth disease in this Commonwealth was on November 5, and on December 12 the last known case was disposed of. The destruction of cattle and other live stock by the Department of Animal Industry during this period has been appraised by the Federal and State appraisers for an aggregate amount of \$106,820.75.

The fighting and extirpating of this disease devolved upon the Massachusetts Department of Animal Industry, and in surveying and investigating the work to stop the epidemic this commission has called into conference the head of that department, Commissioner Fred F. Walker, Dr. F. C. Field, agent in charge of quarantine stations, and Myron T. Carrigan, the cattle appraiser for the Commonwealth; Dr.

James T. Ryder, who is in charge of the Federal Bureau of Animal Industry, stationed in Boston, was also interviewed. All records and material in any way connected with the campaign against the disease have been carefully examined.

This commission is of the opinion that the plans adopted by Commissioner Walker were neither comprehensively nor intelligently thought out. The work was handicapped by the fact that the commissioner is not a veterinarian. Mr. Walker should have availed himself and made good use of all the facilities which the Commonwealth provides by getting in touch with such experts as are now members of the State Department of Health and with the Attorney-General, with whom he should have conferred in regard to the rights of the Commonwealth.

At the outset, this commission contends that the disease should never have been allowed to spread over this State, and Commissioner Walker was at fault in not taking sufficient precautions in time.

The Brighton stockyards, according to the testimony of Commissioner Walker, were not quarantined until November 5, the date of the reporting of the first case of the foot-and-mouth disease in this State by an agent of the Department of Animal Industry. Mr. Walker testified before this commission that he had knowledge of the existence of the disease during the month of October in States from which cattle are shipped to Massachusetts. On October 21 Dr. William T. White, an agent of the Massachusetts Department of Animal Industry, sent a telegram from Albany, which read as follows:—

1914, OCT. 21.

FRED F. WALKER, *Rm. 138, State House, Boston, Mass.*

Have just seen Wills. He informs me foot and mouth disease found among hogs at Buffalo three weeks ago. None since. Disease exists in Behrin Co., Mich., and St. Joseph Co., Ind. Possible shipments of cattle through Buffalo may have gone to Brighton; will get further news, if any.

WHITE.

Wills is the State veterinarian for New York. Mr. Walker states that he could get no confirmation of this report from Dr. James T. Ryder, who is in charge of the Federal Bureau of Animal Industry at Boston. So far as his testimony is concerned, no further effort was made by him to ascertain if the disease actually existed in the Buffalo stockyards. He further admits that he knew of the existence of the disease in Michigan, Iowa and northern Indiana, October 15.

Mr. Walker testified that upon receiving the notice from Dr. White, he immediately took steps to have a most careful ante-mortem



examination made of any animal that arrived in Massachusetts from New York. While this was a precautionary measure and shows that the commissioner feared that the disease might come by way of New York State, it was not a drastic enough step to be taken at that time. If the quarantine had been declared immediately upon receiving the information dated October 21, it is probable that Massachusetts would have been saved a great expense. It was negligence on the part of the commissioner to omit to verify the reports and rumors he had received of the existence of the disease in other States.

According to a statement of Mr. Walker, the first case of foot-and-mouth disease in Massachusetts was reported by a telegram dated Nov. 5, 1914, signed by Dr. Henry E. Paige of Amherst, which stated that the disease probably existed in the herd of George L. Henry of Amherst. Mr. Walker's testimony regarding his visit on the next day, in company with Dr. James T. Ryder, to the herd of George L. Henry, where the disease was diagnosed, gives the commissioner's own version as to how the epidemic found its way into this State. He says it was —

Determined through our conversation with Mr. Henry that the cattle in his herd were a part of a shipment that was made from Oneida, N. Y., to Brighton, from which place the animals in which he found the disease had been shipped to Amherst.

We concluded that there was every probability that, inasmuch as the infection must have existed in the cattle at the time they were in Brighton, the exposure had infected other cattle, and we made it our first business to locate the herds to which cattle had been distributed from Brighton on October 28 and November 4, with the result that we eventually located 40 herds of cattle to which it is more than probable the infection was spread to Brighton.

The disease once in Massachusetts, this commission feels that the business methods adopted by Commissioner Walker are open to criticism. He is clearly empowered under section 6, chapter 90 of the Revised Laws, and amendment thereto, to act promptly in relation to animals affected with a contagious disease. Attention is directed to the following portion of section 6, chapter 90, Revised Laws: —

SECTION 6. If the board (commissioner) or any one of its members or agents, by examination of a case of contagious disease of domestic animals, is of opinion that the public good so requires, it or he shall cause the diseased animal to be securely isolated or to be killed without appraisal or payment. . . .

Notwithstanding the provisions of law, Mr. Walker proceeded to put in force methods that were in direct violation of the statutory provisions governing the handling of contagious diseases in animals. He proceeded without statutory authority and entered into an agree-



ment with the Federal authorities to create a board of appraisers composed of one Federal and one State appraiser, whose plan of work was based upon Mr. Walker's instructions and advice. Otis H. Forbush of Acton, suggested and recommended by Commissioner Walker as a Federal appraiser, was accepted by the United States Bureau of Animal Industry as its representative; Myron T. Carrigan of Concord, a business partner of Commissioner Walker, was selected by him to act as appraiser for the State. Neither of the board of appraisers is a veterinarian.

The arrangement to have the Commonwealth and the Federal government equally represented on the board of appraisers was due to an agreement whereby the State and Federal government should share the expense of suppressing the disease. Attention is called to a letter, dated Nov. 6, 1914, from the United States Department of Agriculture, Bureau of Animal Industry, Washington, D. C., to Commissioner Walker, in which terms of agreement for sharing expense are outlined by that bureau. A copy of the letter is appended. The second communication, a copy of which is appended, is an order passed by the Governor and Council on November 11, authorizing the acceptance of the proposal of the Federal Bureau of Animal Industry.

In their work the appraisers have turned over to Commissioner Walker no data or facts concerning their appraisals other than the number of cattle and live stock and the estimated value of same. In case of later disagreements or legal complications the State would not have such information as would be absolutely necessary in determining the value of animals killed or as to the length of time such animals were owned in the Commonwealth.

Furthermore, the form which is used by the appraisers and signed by them and the owner is virtually a bill of sale, and as such had no business to be in use. It was issued without first being submitted to the Attorney-General. It reads as follows: —

THE COMMONWEALTH OF MASSACHUSETTS,  
OFFICE OF DEPARTMENT OF ANIMAL INDUSTRY,  
STATE HOUSE, BOSTON.

..... (Place)

..... (Date)

This is to certify that I have this day sold the United States Department of Agriculture and the Massachusetts Department of Animal Industry..... affected with or exposed to foot-and-mouth disease, at an appraisal of..... dollars, sound value, of which I agree to accept 50 per cent. as compensation on the part of the Commonwealth.

(Signed) .....  
(Owner.)

(Signed) .....  
(Appraiser.)

The commissioner's unbusinesslike methods are emphasized by the fact that notwithstanding he had no authority under existing laws to make appraisals for animals killed on account of foot-and-mouth disease, he drew up a form, in substance a bill of sale, without submitting same to the Attorney-General. He states that he relied upon private counsel. Since Mr. Walker's conference with this commission on December 14, the form referred to has been discontinued and a new form substituted.

The following is a detail of the aggregate already suggested: —

The total number of slaughtered cattle, . . . . .	1,101
The total number of slaughtered fowl, . . . . .	1,687
The total number of slaughtered hogs, . . . . .	2,360
The total number of slaughtered goats, . . . . .	4
The total number of slaughtered sheep, . . . . .	9
<hr/>	
Total number killed, . . . . .	5,161

No payments have yet been made nor have owners of slaughtered stock been given any definite information as to when reimbursement will come. An expenditure of \$6,544.20 to provide for the incidental work in connection with the stamping out of the foot-and-mouth disease has been paid from the regular maintenance appropriation for the fiscal year 1914.

This commission finds that in every instance investigated the appraised value of live stock is greatly in excess of the assessed value. The appraised maximum value of a cow was \$88 and the minimum \$49. It is well to note that in cases where tubercular-infected cattle have been killed, a statutory maximum of \$40 is allowed.

Myron T. Carrigan of Concord, the appraiser representing the State, appeared before this commission and testified that he is a business partner with Commissioner Walker in the buying and selling of thoroughbred cattle. He estimates that their annual business is between \$1,000 and \$2,000. This commission does not intend to criticize the honesty or integrity of Mr. Carrigan, but it does suggest that such an appointment leaves the Commissioner of Animal Industry open to a just criticism. The remuneration of Mr. Carrigan is \$10 a day and expenses. According to Mr. Carrigan's testimony the appraisers estimate the value of the live stock and return their finding to the State department, but in no instance did the board of appraisers attempt to obtain the assessed value of the stock. Moreover he stated that the appraised value of cows was based upon a dairy value; and notwithstanding this, the amount of milk given by each cow was



in each instance based upon the word of the herdsman or owner, without an effort of verification from records.

According to Commissioner Walker's statement, some of the cattle owned by George L. Henry of Amherst had not been in his possession over a week, and yet they were appraised and provision made for reimbursement.

Again, although Commissioner Walker is not a veterinarian, he said in his testimony before this commission, "Dr. Ryder and myself made an examination of cattle and confirmed diagnosis made by Dr. Paige."

On Monday, November 9, Commissioner Walker went to Washington to confer with Chief Melvin of the Department of Agriculture. He states: "I took up with Dr. Melvin the problem in Massachusetts, the principal feature of which, it seems to me, was a satisfactory and proper adjustment of the damages that would result from the presence of the disease in Massachusetts."

The method has been to kill all cows in a herd where any cases of disease existed. No autopsy has been held on cows not believed to be diseased. The unaffected cows were killed as a precautionary measure. This policy of total annihilation has proved most expensive and does not seem warranted.

According to Commissioner Walker's testimony, there have been 48 herds infected in this State, eight of which, in his own words, "As near as we can estimate they became infected because of the careless movement of the people associated with the herds."

The amount for which the State will eventually be responsible is still further complicated. It was agreed that the State and the Federal Bureau of Animal Industry should appoint jointly a property appraiser whose duty should be to estimate the damage done to property other than live stock. While it was the custom of the appraisers of live stock to view condemned or diseased cattle for purposes of appraisal before they were slaughtered, no property appraiser viewed any building or any other property destroyed or damaged by agents of the Department of Animal Industry. The property appraiser had not even been appointed up to the time when the epidemic was supposed to have been stamped out. There is no detail or documentary evidence showing the extent of the damage or destruction of property by the agents of the Department of Animal Industry. It will be almost impossible for the property appraiser to measure or figure the extent of the damage and to estimate its value. There is opportunity for the Commonwealth to suffer by this arrangement owing to changes in the condition of the property.

In conclusion, this commission finds that the expense occasioned the

Commonwealth because of the epidemic is problematical, and this because of the utter lack of detailed documentary information which, had proper business methods obtained in the Department of Animal Industry, would have been gathered, compiled and utilized.

Respectfully submitted,

COMMISSION ON ECONOMY AND EFFICIENCY,

FRANCIS X. TYRRELL, *Chairman.*

THOMAS W. WHITE.

RUSSELL A. WOOD.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF ANIMAL INDUSTRY,  
WASHINGTON, D. C., Nov. 6, 1914.

Address reply to Chief of Bureau of Animal Industry, and refer to U. 251.20.

MR. FRED F. WALKER, *Commissioner of Animal Industry, Boston, Mass.*

SIR: — Concerning the outbreak of foot-and-mouth disease, you are advised that with Ohio, Wisconsin, Massachusetts and Iowa added to the list, there are now ten States under quarantine to date on account of the presence of this disease. Please find inclosed B. A. I. Order 229, and orders including Wisconsin, Massachusetts, Ohio and Iowa are issuing.

The department is calling in all of its men possible from other lines of work, and putting them at foot-and-mouth disease eradication, just as rapidly as it can do so. Until we can get men in the field in Massachusetts, please make your best endeavor to limit its spread, as the present outbreak is the worst this country has ever experienced, and is going to require the most earnest and intelligent work by the State, as well as by the Federal Bureau of Animal Industry.

A rigid State quarantine should be promptly inaugurated on all premises where the disease is found, as well as on the highways leading by and into infected farms, to prevent the movement, trailing or driving of cattle, sheep, other ruminants and swine over such highways.

There appears to be a tendency in most infected localities, on the part of veterinarians as well as others, through acquaintance, friendship or position, to claim the privilege of seeing cases of the disease. It is therefore important that veterinarians and owners be instructed in the matter of such dangers.

Veterinarians engaged in making inspections should be equipped with



rubber coats, hats, gloves, boots, and bichloride of mercury tablets, and directed in their conscientious use.

The bureau is glad that it has you to look after the work in Massachusetts, as your training and judgment are considered a valuable asset for success through efficient co-operation.

The plan under which the department is operating in the various States is as follows: —

The department will pay 50 per cent. of the appraised value of slaughtered live stock, destroyed hay, straw and parts of stables, 50 per cent. of disinfecting expenses, digging and burial expenses, and will pay all salaries of bureau employees, their livery hire as may be necessary, traveling and subsistence expenses, and rental of offices, which will practically amount to more than two-thirds of the expenses being borne by the government.

Please present this matter to the Governor for his approval and agreement, as applying to the State of Massachusetts.

Respectfully,

(Signed)

J. R. MOHLER,  
*Acting Chief of Bureau.*

Inclosure.

THE COMMONWEALTH OF MASSACHUSETTS,  
COUNCIL CHAMBER, BOSTON, Nov. 11, 1914.

Mr. FRED F. WALKER, *Bureau of Animal Industry, State House, Boston.*

DEAR SIR: — At a meeting of the Governor and Council held to-day, the proposal submitted by you of the United States Bureau of Animal Industry, — to pay 50 per cent. of the appraised value of live stock, destroyed hay, straw and parts of stables, 50 per cent. of disinfecting expenses, digging and burial expenses, to pay all salaries of bureau employees, their livery hire, traveling and subsistence expenses and rental of offices, — was approved, and you were authorized to accept in the name of the Commonwealth the foregoing agreement.

Yours respectfully,

(Signed)

E. F. HAMLIN,  
*Executive Secretary.*



## CHAPTER 90, REVISED LAWS.

SECTION 6. If the board or any one of its members or agents, by examination of a case of contagious disease of domestic animals, is of the opinion that the public good so requires, it or he shall cause the diseased animal to be securely isolated or to be killed without appraisal or payment. An order for killing shall be issued in writing by the board or any of its members, may be directed to an inspector or other person, and shall contain such direction as to the examination and disposal of the carcass and the cleansing and disinfection of the premises where such animal was condemned as the board or commissioner consider expedient. A reasonable amount may be paid from the treasury of the commonwealth for the expense of such killing and burial. If, thereafter, it appears, upon post-mortem examination or otherwise, that such animal was free from the disease for which it was condemned, a reasonable amount therefor shall be paid to the owner by the commonwealth. If any cattle which are condemned as afflicted with tuberculosis are killed under the provisions of this section, the full value thereof at the time of condemnation, not exceeding forty dollars for any one animal, shall be paid to the owner by the commonwealth if such animal has been owned within the commonwealth six consecutive months prior to being killed, or if it has been inspected and satisfactory proof has been furnished to the board by certificate or otherwise that it is free from disease, and if the owner has not prior thereto, in the opinion of the board, by wilful act or neglect, contributed to the spread of tuberculosis; but such decision shall not deprive the owner of the right of arbitration as hereinafter provided.

SECTION 6, CHAPTER 90, REVISED LAWS, EXTENDED CHAPTER 646, ACTS OF 1913.

AN ACT RELATIVE TO COMPENSATION TO THE OWNERS OF ANIMALS KILLED ON  
ACCOUNT OF BEING AFFLICTED WITH GLANDERS.

*Be it enacted, etc., as follows:*

SECTION 1. If any horses, asses or mules which are condemned as afflicted with glanders are killed, under the provisions of section six of chapter ninety of the Revised Laws the full value thereof at the time of condemnation, not exceeding fifty dollars, for any one animal, shall be paid to the owner by the commonwealth, if such animal was owned within the commonwealth twelve consecutive months prior to being killed, and if the owner thereof has not, in the opinion of the commissioner of animal industry, contributed to the spread of glanders by any wilful act or neglect.

SECTION 2. If an owner entitled to compensation under the provisions of this act cannot agree with the commissioner of animal industry as to the value of the animal killed, the value shall be determined by arbitration in the manner provided by section twenty-six of chapter ninety of the Revised Laws.

TRANSCRIPT OF NOTES TAKEN AT THE HEARING GIVEN BY  
THE COMMISSION ON ECONOMY AND EFFICIENCY TO MR.  
FRED F. WALKER, COMMISSIONER OF ANIMAL INDUSTRY, AT  
ROOM 110, STATE HOUSE, BOSTON, ON MONDAY, DECEMBER  
14, 1914, AT 2.30 P.M.

---

The three members of the Commission on Economy and Efficiency were present; Mr. Fred F. Walker was also present.

Chairman TYRRELL. In opening, Mr. Walker, I would like to have you make a statement to this commission covering in brief the history of the hoof-and-mouth disease, and in doing that I would like to have you cover it in detail from Alpha to Omega, from the beginning to the end, or, if the end is not in sight, up to the present time.

Mr. WALKER. You mean in so far as it applies to Massachusetts?

Mr. TYRRELL. Yes.

Mr. WALKER. The first intimation that I had of the presence of the disease in Massachusetts was received on November 5, about 12 o'clock, when I was in receipt of a telegram from Dr. Henry E. Paige of Amherst that stated — To be exact its words were: "James and I feel confident of the presence of foot-and-mouth disease in the George Henry herd, Amherst." James, by the way, is his brother, Dr. James P. Paige of Amherst. Immediately on receipt of that information from Dr. Paige, I communicated with Dr. James T. Ryder, who is in charge of the Federal Bureau of Animal Industry stationed in Boston, advising him of the notification, and arranged with him to go to Amherst. We tried to arrange to go that afternoon, but found there was no train that would take us there before dark, so we arranged to go the following morning on the 8.07 train, which we did.

We were met by Dr. Paige at the station in Amherst and went directly to the farm of George L. Henry, where Dr. Ryder and myself made an examination of the cattle and confirmed the diagnosis made by the Doctors Paige. Dr. Ryder and myself returned to Boston, and that very night we began securing from the several dealers at Brighton a sales list covering the two previous weeks in Brighton, it having been determined through our conversation with Mr. Henry that the cattle in his herd were a part of a shipment that was made from Oneida, N. Y., to Brighton, from which place the animals in which we found the disease had been shipped to Amherst.



We concluded that there was every probability that, inasmuch as the infection must have existed in the cattle at the time they were in Brighton, the exposure had infected other cattle, and we made it our first business to locate the herds to which cattle had been distributed from Brighton on October 28 and November 4, with the result that we eventually located 40 herds of cattle to which it is more than probable the infection was spread from Brighton.

There have been 48 herds infected in the State, 8 of which, as near as we can estimate it, became infected because of the careless movement of the people associated with the herds, either owners or helpers about them, who, because of their curiosity, had gone to other herds in which infection existed and had doubtless, in our opinion, carried it to their own herds eventually.

Mr. WOOD. That would be negligence, wouldn't it?

Mr. WALKER. It would be perhaps carelessness or lack of information on their part. Of course, you gentlemen perhaps will understand that it is very difficult — it is absolutely impossible for me at this time or for any one to say in the first instance how the disease came to Massachusetts, because it has not been definitely determined. Our best opinion is that it came by way of this shipment to which I have referred. Our best opinion in reference to the herds that have become infected, other than those that were exposed in Brighton, is that some member of the family or of the help have visited other farms, or possibly some outsider who had been to an infected farm had come there to visit, or something of that kind.

It seemed to me, immediately I knew that the disease was really in the State, that the most speedy methods for its control should be adopted. However, I felt that this was a matter of State and national importance, and I made application to the executive department for a hearing before the Governor and Council for the purpose of the passage of an order which would satisfactorily quarantine the different farms in the State. The Governor appeared to appreciate the seriousness of the situation and agreed to call a special session of the Council for the Saturday afternoon following the Thursday that I was in Amherst.

Realizing that this was a matter of State and national importance, and wishing to do the very wisest thing possible, I asked some twenty-five men representing the largest stock-owning and stock-handling industries, slaughtering establishments, and also representing the veterinary profession, to meet me at the State House Saturday forenoon, in order that I might put the situation before them and ask their advice in reference to the subject.



Mr. TYRRELL. You mean the forenoon of the afternoon that you appeared before the Governor and Council, which was November 7.

Mr. WALKER. I am just a little confused on the dates. Thursday was the 5th, I am very sure. Friday was the 6th and Saturday the 7th. I took the liberty to say to those people that I had asked them to come there to act as a committee of one in advising me as to my clear course under the present conditions, and I frankly stated to them that at the conclusion of their remarks I should, of course, reserve the right to do as I saw fit, but I wanted their opinion on the subject. I had formed a very definite idea as to just what I should do. I realized that such action would involve many enterprises of great importance in the State, and I wanted to give them an opportunity, the representatives of those enterprises, of placing before me any objections that they might feel in reference to the proposed action on my part, in order that I might take them under consideration before submitting my plan to the Governor. To save time, I may say that that assembly, highly representative as it was, agreed unanimously on the plan that I have previously outlined and to which I referred there, which was to place the State under the strictest sort of quarantine. The quarantine was to apply to every animal in the State and to every farm in the State, and would prevent the movement of any animal on the part of any owner from one building to another, provided that movement had to be made on any public highway or by-way.

I came before the Governor and a delegation of the Council that Saturday afternoon about 1.50 o'clock, and the Governor and Council unanimously approved an order that I had submitted which provided as I have outlined.

In the meantime, our several agents throughout the State were being equipped with rubber outfits and furnished instructions as fast as they were assembled as to what barns to go to in the several sections of the State; and, may it be said to the credit of the stockmen in Brighton, a most complete list was furnished us of their sales. Every co-operation possible was enjoyed on our part from them, and we began the most strenuous task of locating and examining some 2,000 cows that had been distributed from Brighton within the two weeks. Perhaps that is an overestimate. I should say that 1,800 would be more correct. As a result, as I have before stated, we located the disease in some 40 herds in which there were cows that had come from Brighton within the two weeks.

The following Monday, in view of the enormity of the situation, it seemed to me absolutely necessary that I should be in direct touch

with the authorities in charge of the live-stock sanitary work at Washington, and accordingly I wired them to ascertain if Chief Melvin or his assistant would be at the office on Tuesday. I received notification that they would be, and I left for Washington Monday night. I took up with Dr. Melvin the problem in Massachusetts, the principal feature of which, it seemed to me, was a satisfactory and proper adjustment of the damages that would result from the presence of the disease in Massachusetts. I outlined my plans to Dr. Melvin, which were, as had been the custom in other States, that an appraiser should be appointed by the government and one by the State to adjust the value of live stock destroyed.

I might say right here that on the occasion of a previous outbreak in Massachusetts, although there were official appraisers, it had been the custom of the manager of affairs at that time to direct the agent, the veterinary who went out on the job and who discovered the case, to make an appraisal with the owner and to clean up the business on his own hook. I happen to know that in some instances that appraisal was not at all satisfactory from the viewpoint of the owner. In some instances it was not at all satisfactory from the viewpoint of the State and the nation. Therefore, it seemed to me that this matter of appraisal was of great importance from the viewpoint of our State and our citizens, and therefore I recommended to Dr. Melvin that two appraisers be appointed, who should be the most highly qualified men available in their line, who should be men of absolute and unquestioned integrity, and who, above and beyond everything else, should have no personal interest in reference to the appraisal except to be just to the owner, the Commonwealth and the nation. Dr. Melvin asked me if I had any recommendations to make as to who should be appointed on the part of the nation, and I told him that I had. I accordingly recommended Mr. Otis H. Forbush of Acton. Perhaps I should not say what Dr. Melvin said. Does that interest you? Dr. Melvin later communicated with his agent in Boston and asked him to investigate the recommendation made by me. As a result of the investigation of Dr. Henry E. Brown, who was then in charge of the United States government foot-and-mouth work in this section of the State, Mr. Forbush was eventually appointed by the government. Mr. Myron T. Carrigan of Concord was named by me to act as an appraiser on the part of the State.

Mr. WOOD. Is he a veterinary?

Mr. WALKER. He is not — neither of them are. They were advised, these two appraisers, that they were to meet the owner of the



property and, if possible, act with him as a board of appraisers, in order to avoid and eliminate any possibility of later contention that they were not properly treated, and in order that if the appraisal made by these men was not up to his expectation, he might know from them why they made the appraisal as they did. This board of appraisers, these two appraisers rather, went to Amherst. I cannot give you, Mr. Chairman, the exact dates right off hand.

Mr. TYRRELL. That is not material.

Mr. WALKER. They went there, I think, the following Thursday, in order that they might start on the work. I went out with them, introduced them to the first man whose property they were to look over, and in a general way, so far as I knew, explained to the owner and the appraisers what course would probably be followed. Whether or not the appraisers ever adopted my plans in the conduct of their work I do not know, because I did not think my duties extended beyond instructing them, or rather, in a general way, advising them.

The herds at Amherst, North Amherst and Granby that were then known to be affected were appraised and immediately destroyed. In connection with the slaughter of these cattle, I took that matter up with the national authorities at the time of the former outbreak in Massachusetts. There had been some very regrettable experiences incident to the slaughter of the cattle, because of the fact that that slaughter had been in some cases in the hands of inexperienced men, or rather, perhaps young men who had not had any experience at all, and who did not appreciate the seriousness of the situation, with the result that some cattle were wounded and escaped, and some were mutilated in various ways, all of which was to the discredit, of course, of both the State and nation who were carrying on the work. In order to avoid any such possible procedure this time, I arranged with the Federal authorities that one man who is regularly employed in our department and who is specially qualified for such work, because he has been for many years of his life a butcher, should have entire charge of the slaughter, and where it was possible for him to attend to it himself that he should do so; if not, that he should delegate some man in whom he had confidence to do the work right. In short, I localized the responsibility on Agent Charles J. Daly, and I am very proud to say that not in one single instance has there been the slightest slip-up so far as the slaughter is concerned. Hardly more than one bullet has been used on any animal, and in a very few cases only has our work been supervised, or watched rather, by the agents of the Society for the Prevention of Cruelty to Animals, and in those cases those agents have commended our efforts very highly.



Mr. TYRRELL. What was the nature of the communication that you received from Dr. Paige of Amherst relative to the Henry herd being affected with this disease? Was it a telephonic communication or a letter?

Mr. WALKER. It was a telegram.

Q. (by Mr. TYRRELL). Have you got that telegram? A. I have at the office.

Q. What was the date of that telegram? A. November 5.

Q. That was the first information you received that the hoof-and-mouth disease was in Massachusetts? A. Yes, or even suspected of being here.

Q. Did you receive from one of your agents a communication on October 21 stating that the hoof-and-mouth disease was found in a herd at Buffalo, New York? A. I received a telegram from Dr. William T. White, who is an agent of our department and who was in Albany on the 21st of October, stating that he had been advised that the foot-and-mouth disease existed in the Buffalo stockyards. I think those were the words of the telegram.

I immediately called up the office of the Federal Bureau of Animal Industry at Boston, Dr. Ryder in charge, and asked him if he had knowledge of the existence of the disease in Buffalo. He said he had not heard it was there. Except for the fact that Dr. White had referred directly to Dr. Mills of New York, who is State veterinarian for New York, I should have been inclined to believe that it was an erroneous report entirely, and in the absence of the confirmation of the report on the part of the Federal Bureau, as they had supervision especially over the Buffalo stockyards, and are the authority on which we depend to guard our lines, our State lines, you understand. However, realizing the seriousness of the situation, the possible seriousness, I immediately took steps to make the most careful ante-mortem examination of any animal that arrived in Massachusetts from New York.

Q. Just on that point there. The law provides that any cattle coming from out of the State shall be thoroughly examined and inspected. You made the statement that, to the best of your knowledge and belief, this disease was brought in by cattle that came over the New York line into the Brighton stockyards. Why wasn't the disease determined on the arrival of the cattle in the Brighton stockyards prior to their being shipped from the Brighton stockyards throughout the State? A. Because, Mr. Tyrrell, the period of incubation for foot-and-mouth disease is usually estimated at from 3 to 25 days. There was not the slightest evidence of the presence of the disease in those cattle in Brighton. They were, because of my earlier advice from

New York, especially carefully examined, — earlier advice from Dr. White, — not only as they are usually examined by the tuberculin test, but, in addition, they were given a most careful ante-mortem or physical examination.

Q. What is the date of the last shipment of the New York cattle from the Brighton stockyards? A. I don't believe I understand you, Mr. Tyrrell. I might say for your information that there is a great number of cattle arriving in Brighton every week, depending somewhat upon the market. There is quite an average arrival of dairy cows, — cows that the State department makes examination of, — and that number varies from 350 to 700 perhaps. At that particular time of year there are quite heavy shipments, and there are in the neighborhood of 500 or 600 cattle in Brighton every week from various points. Of that 500 or 600, possibly there may have been 50 from the State of New York, there may have been 100, but just casually estimating I would say there were perhaps 50. There is George Henry and George Smith and a man named Trask. Those three men are the principal shippers from New York, and they usually have one carload apiece and sometimes two carloads.

Q. Isn't it fair to assume that, inasmuch as you were notified by one of your agents as early as October 21, some care should have been exercised in the shipments from New York State? A. Your question, Mr. Tyrrell, smacks of a declaration that I have seen more of than I want to and more of than I appreciate, because it is not quite fair. I don't mind it coming from you, but I mind it coming from misinformed people saying that I was notified from New York. Now, the notification that I had from New York was of just the same character, if you call it a notification, as you would receive if one of your men were out about the State and observed or heard something that would be of interest to you as commissioner here. It was not an official communication in any sense of the word. It was rather a friendly telegram. It was just what I wanted him to do — what I highly approved of. It was not, as has been intimated in some newspapers, an official notification. However, immediately on the receipt of that notification we will call it, we redoubled our efforts, especially in reference to the New York shipments. The law provides that these animals must be examined and tested, — these out-of-State animals, — that a tuberculin test and a physical examination must be made. In addition to that, I had instructed our men in charge of the work at Brighton to make most careful ante-mortem or physical examinations of all these New York cows that came in, also of the hogs or anything that might come from there, in order that if there should be a case we would



discover it. I also asked the co-operation of the Federal Bureau to an extent that we had never enjoyed before. I asked them to delegate men to go to the market and assist, or supplement if you will, our examination, in order to take what I believed was all the precaution necessary to take at that time, and in order to prevent the distribution from that market of a diseased cow, all the time realizing the possibility that there might be a case in the incubative form that we would not discover.

Incidentally, it will be interesting for you to know, I am sure, that up to the time of the present outbreak, it had been stated positively to me by the government officials, they having a great deal of experience with the foot-and-mouth disease, and I recognizing them as an authority, that the incubative stage of the foot-and-mouth disease is from three to six days. Now it is said by those same authorities that the incubative stage is reckoned to be from three to twenty-five days.

Q. (by Mr. WHITE): How long had Henry of Amherst had these cows in Brighton before you knew it? A. Just off hand, they were shipped we will say Thursday of this week. They were not reported to me until the following Saturday. Just a week he had them up there.

Q. (by Mr. TYRRELL). What was the earliest date of your communicating with the Federal authorities relative to the foot-and-mouth disease? A. On October 21, when I got this wire from Dr. White.

Q. Have you a copy of that communication? A. I called him up on the telephone. They have an office in Boston, with which we are in constant touch.

Q. You communicated with them prior to November 6, when they communicated with you and admonished you to be careful of the disease? A. The admonishing was the other way. That letter, although it is dated November 6, was not received in our department until November 8. In the meantime and prior to its receipt, we had started on our own initiative a State-wide quarantine that is much stiffer and better than that recommended by them, and which caused Dr. Melvin to commend me most highly.

Q. Are you permitting cows to be sold now? A. Yes, for immediate slaughter, and in the non-infected areas, — the areas in which the disease has not developed at all in this outbreak or any other. We are allowing the movement of cattle other than those for slaughter, but only under a permit system, under the provisions of the order that was approved by the Governor and Council, which order states that no cattle may be moved except by permission from our department.

Q. Is Henry to be reimbursed for the cattle? A. They have been

appraised. Whether or not he will be reimbursed depends upon the Legislature and Congress.

Q. Had he owned them six months? A. He had not owned them ten minutes that I know of.

Q. Doesn't the law provide that, in order to be reimbursed by the Commonwealth, a person must be the owner of the cattle for six months? A. Yes.

Q. Did you acquaint the Governor and Council of that fact when you went before them prior to the issuance of the order that the owners of condemned cattle should be reimbursed by the Commonwealth? A. No; I don't know as I can make my attitude before the Governor and Council quite clear to you. Perhaps I did not make it clear to them, but I think I did. The only proposition that I put before the Governor and Council in the first instance was this, — the adoption of an order for quarantine; and later I had, as per that letter there, a communication from Washington, outlining the proposed plan on the part of the National Department of Agriculture, to the effect that the government should eventually pay half the appraisal and the State half, and that communication requests that I get the sanction of the Governor and Council to such an agreement, or something to that effect. I took that letter to the Governor and Council, and they, I think, fully appreciated that it was not quite within their province to say whether the State would or would not pay 50 per cent. However, they did advise me to act agreeably to the suggestion made by the National Department of Agriculture, which suggestion, gentlemen, as I understand it, does not carry any positive implication that either the nation or the State would pay anything for these cattle.

Now, those cattle are killed and buried under the provision of our law which says, "Cattle infected with or exposed to a contagious disease may be killed and buried without appraisal or payment therefor." This whole matter of appraisal and adjustment of this affair is per that agreement that you just handed Mr. White. That agreement the owner signs and it is accepted by him, — by the owner, — under the clear understanding that at the moment he signs it there is no obligation on the part of the Commonwealth to pay him a cent.

Q. Who authorized the issuance of this certificate marked Exhibit A?



THE COMMONWEALTH OF MASSACHUSETTS,  
OFFICE OF DEPARTMENT OF ANIMAL INDUSTRY,  
STATE HOUSE, BOSTON.

FRED F. WALKER, *Commissioner*.

..... (Place)

..... (Date)

This is to certify that I have this day sold the United States Department of Agriculture and the Massachusetts Department of Animal Industry..... affected with or exposed to foot-and-mouth disease at an appraisal of..... dollars, sound value, of which I agree to accept 50 per cent. as compensation on the part of the Commonwealth.

(Signed) .....  
(Owner.)

(Signed) .....  
(Appraiser.)

MR. WALKER. I did, making a copy of the agreement offered by the Federal authorities, and a similar document to that was presented to the owner.

Q. Isn't that virtually a bill of sale from the owner to the Commonwealth? A. It is, in my opinion. However, I had submitted that before any of them were signed.

Q. Submitted them to whom, Mr. Walker? A. To a lawyer friend of mine whom I considered an authority on the subject. He said that there was nothing in connection with that that would in the slightest way involve the Commonwealth in an obligation to the owner.

Q. (by Mr. WOOD). Who was the lawyer? A. I would just a little rather not tell.

Q. (by Mr. TYRRELL). You know the powers of this commission at a conference — any information must be forthcoming? A. Yes, I know.

Q. Who in your opinion is the legal officer of the Commonwealth? A. The Attorney-General.

Q. Why wasn't this referred to the Attorney-General? A. I will stand for it if you say I erred in not referring it to the Attorney-General. I am frank to say that at the time this whole affair was precipitated and put into execution the several matters were rushed through rather hastily. I acted, Mr. Tyrrell, in reference to that matter principally and primarily on the copy of the Federal government, which copy was furnished me in Washington by Dr. Melvin, and the explanation was there made to me by Dr. Melvin, very clearly, that in the signing of this agreement on the part of the owner no obligation was assumed by either the Federal government or the State.

Q. The Governor's Council authorized you to act for the State in this matter? A. I think you have a copy of the order.

[Mr. Tyrrell reads order of the Council, marked Exhibit B.]

Q. You were authorized to act as an agent for the Commonwealth, and you gave that authority to your appraiser in signing this document? A. My best understanding and that of the owner of the cattle is that that is simply an agreement on the part of the owner to accept the appraisal therein described in the event of funds being available to meet the same.

Q. Is this commission to understand that you view that document there in the light of being an agreement and not a bill of sale? A. I do most certainly.

Q. (by Mr. Wood). To be an agreement shouldn't your name be on there as the Commissioner of Animal Industry? Shouldn't your name be on there to make that anything like a legal document? A. I understand if it were made a binding legal document that it would have to have the signature of some State official.

Mr. Wood. There is not the signature of a single State official on it.

Mr. Tyrrell. The appraiser is the agent for the Commissioner of Animal Industry.

Q. (by Mr. Wood). Didn't you know that prior to the outbreak of this disease in Massachusetts the disease was raging in Michigan on August 1, and also in some other States? A. I did not know it until about October 15.

Q. What States did you know it was raging in on October 15? A. It was first announced publicly that the disease had been discovered at Niles, Michigan on October 15. That was the general announcement in the newspapers throughout the State.

Q. What other States did you understand had the disease? A. I understand it was in Southern Michigan and Northern Indiana.

Q. Do you know whether or not it was in Ohio? A. I don't recall that at that time it had been officially announced as being in Ohio.

Q. Do we have cattle coming from Michigan and Indiana into Massachusetts? A. Very, very rarely. There are beef cattle, steers, etc., shipped from those States, from Michigan, Indiana and all the western States.

Q. Then you knew on October 15 that States from which Massachusetts gets live stock had this disease in them? A. Yes, and in connection with that inquiry I think it is pertinent that I say to you, for your information, that I understand my duty to be primarily that of a State officer, to guard and defend the live stock conditions within the State, and that I depend almost unqualifiedly and explicitly upon the National Bureau of Animal Industry to protect our borders from shipments from infected areas.



Q. (by Mr. TYRRELL). Mr. Commissioner, to go back to Exhibit A, this agreement or bill of sale—is that an exact copy of the form sent to aggrieved parties? A. Excuse me, Mr. Chairman, that is an exact copy of the supply of blanks furnished the State's appraiser when he goes out to make an appraisal, and on which he gets the signature of the owner of the property, if possible, in order to make a record in our office that on the date mentioned the owner of the cattle agreed to their value as being so many dollars.

Q. Then it is a fact that this agreement or bill of sale appears on the official stationery of your department? A. Yes, it is on there.

Q. Does the owner who signs that agreement retain a copy of it? Are there two copies made? A. I don't know of one being retained by the owner. I don't know that the owner ever did retain a copy.

Q. (by Mr. WOOD). There are two copies, one for the United States government and one for your department? A. The United States government has a different form.

Q. (by Mr. WHITE). Is this a duplication, so far as the reading goes, of the United States form? A. It is practically.

Q. Do they have a separate form which the owner signs too? A. They don't worry about the owner.

Q. You said you had two copies made by the appraiser — one is given the United States government and you retain this one. Is that true? A. If I said anything about two copies of such an agreement as this, I was referring to the copies that would be signed by the owner, one representing his agreement to accept from the United States, and one representing his agreement to accept from the State; but so far as the State goes, only one is signed.

Q. (by Mr. Tyrrell). You have in your department 57 agents, I believe? A. Yes, I think perhaps more, Mr. Tyrrell.

Q. You have 57 agents and about 21 regular officials, and you have a large number of agents giving part time? A. The 57 that you refer to are on a per diem basis, giving part time. There is something like 20 who are regularly employed.

Q. (by Mr. WOOD). How are the 57 appointed? A. They are appointed depending upon the need.

Q. Who names them? A. They are taken from such veterinarians as are recorded on the civil service list as available for service by the Commonwealth. At the time I came to the service of the State there were no civil service restrictions. The following June the Governor and Council passed an order which provides that veterinarians in the employ of the State or cities thereof should be registered under the civil service act. I was unfamiliar with the personnel of the agents



of the department at that time, and incidentally the Civil Service Commission said to me: Now, such men as are employed regularly, are employed occasionally, or likely to be employed — that is just the term he used — as veterinarians for the department may be registered prior to this law going into effect without competitive examination. Therefore, as I said, with little knowledge of the personnel of the agents, I asked one of the men in the department who knew the men all over the State to prepare a list that would include all veterinarians that had been or were likely to be employed as agents of the State, and he submitted such a list, and that is what the 57 comprise.

Q. (by Mr. TYRRELL). Isn't it a fact that they are nominated by the mayors and boards of selectmen? A. That is another matter, Mr. Tyrrell.

Q. Would you call the veterinarian out in Somerville who works part time for you — would you call him an agent? A. Yes, I would call him an agent occasionally. There is an inspector of animals in Somerville who is an agent. He is appointed by the City of Somerville to be an inspector of animals and meat. His appointment is subject to my approval.

Q. What report does your department receive from the condemning officers of the cattle that is to be destroyed? A. We received during this last outbreak usually a letter from the men confirming the previous suspicion that it is a case of foot-and-mouth disease. Sometimes it was simply a telephonic communication.

Q. Is that all that you receive as to the value of these cattle? A. Oh, no. We have a statement from the veterinarians who acted during this outbreak. Our veterinarians have usually acted with the Federal men; that is, in certain cases where we were suspicious our men and the Federal men would go together. As soon as it was determined by them or by either that it was a positive case, report to that effect was made to our office, by telephone or telegram. The appraisers would then go to that place, make the appraisal, and arrangements for the trench and the killing were rushed as speedily as possible.

Q. Do you receive a complete detailed report? A. Yes; we receive a report stating that there are 22 head of cows, 2 heifers, 1 bull and 10 hogs on this place infected with foot-and-mouth disease.

Q. That is all they notify you — that there are that number of cows infected? A. Yes.

Q. They don't notify you as to the condition of the cows — whether or not they were Holsteins? A. Just cows.

Q. You receive no notification as to the quality of the cows —



whether or not they are dry or milk-giving cows, or as to the quantity of milk they give? A. No.

Q. (By Mr. WOOD). Does the hoof-and-mouth disease affect the milk? A. It is said to. It affects the quantity of the milk.

Q. (by Mr. TYRRELL). So far as your department is concerned, you have no information to show when a cow is appraised why the appraisal was fixed at a certain price? A. Yes, we have the most absolute and indisputable evidence in the person of the men who fix the price. If you knew the quality of the men who go out and make these appraisals you never would —

Q. So far as documentary evidence is concerned, you have not a particle of evidence in your department to show whether a cow is worth \$10 or \$100? A. We have the statement of the owner that there were 20 cows at a certain price.

Q. Other than that you have no information as to the cows? A. No.

Q. What investigation have you made to determine the length of time condemned animals were owned prior to their being destroyed? A. Not any investigation.

Q. Then you have not a particle of evidence in your department as to whether or not the cattle were owned for one day, ten days or ten years. A. That is absolutely correct.

Q. Then there is no way for the incoming Legislature to determine, if they see fit, whether the cattle infected with this disease have been owned for at least six months. There is no way of giving them any information to determine whether or not an appropriation should be granted for that number of cattle which have been condemned and destroyed. A. I think there is if they want to take the trouble to find it. We have not any documentary evidence.

Q. You have not made any investigation? A. We don't consider it necessary.

Q. (by Mr. WOOD). Supposing the appraisers should die? A. There is the documentary evidence that they agreed to the value on the day they were there.

Q. But the State pays the bills. Supposing the two appraisers should die, how would these cases be settled? A. How could they be settled any better if they did not die?

Q. I mean in case of dispute. Suppose the State raises the question that an excess price was granted for a herd of cows. There is no record made of whether or not those cows were Jerseys. Supposing some one comes in and says that those cows were over-appraised? A. There is that possibility.

Q. (by Mr. TYRRELL). The law specifically states that the owner

of the condemned cattle must be in possession of them and own them for a period of six months in order to be reimbursed. The incoming Legislature might override this order of the Governor and Council. They agree to pay 50 per cent. of the value of the cattle, and there is not a bit of documentary evidence in your office to show the length of time they were owned by the owner prior to being destroyed. A. I don't understand that the Governor and Council — and I don't think they understand that they have obligated the State by their vote. Have you the letter from the United States Bureau to me that I submitted to the Council?

Q. That is under date of November 6? A. Yes; in that, as I recall it, the United States Bureau did not ask the Governor and Council to obligate the State to pay 50 per cent., or any part of that, but rather asked me to get the Governor and Council to agree, tacitly, as it were, to a 50-50 basis of settlement. I think if you should ask the Governor and Council if they had agreed to pay 50 per cent. of the appraised value, they would say no.

Q. I want to read the three last paragraphs on page 2 of the letter from the United States Department of Agriculture, Bureau of Animal Industry, under date of November 16, 1914, to Fred F. Walker, Commissioner of Animal Industry, Boston, Mass. [Mr. Tyrrell reads the paragraphs in question.] A. The word "plan," Mr. Chairman, is the one word of importance in that letter, — in that whole thing. The Department of Agriculture, in my opinion, has no authority to say what the United States Government will or will not do. The plan of procedure as herein outlined is, "Get your Governor and Council to agree to that plan."

Q. Pardon me, Mr. Walker. Doesn't that letter read that "that is the plan we are now operating under?" The plan under which the department is operating in the various States is as follows. A. At that time Dr. Melvin made it more than clear to me that the whole thing was problematic. He said, "We have not a dollar. We have not really money enough to get the preliminary work under way in a satisfactory manner." The "plan" is the whole thing, — the 50-50 basis. I take exceptions to that inference that the government will pay 75 per cent., because, as a matter of fact, we are doing more than they are, — quite a bit, in my opinion. They are not figuring 75 per cent. They are just dividing it half and half so far.

Q. Then you accept the figures of the appraisers without question? A. Yes, unqualifiedly.

Q. What examination is made into the history of the cows that have been condemned and slaughtered? A. The history of the case is gone



over carefully. That is one of the principal branches of work of our agent, who goes there to inquire minutely into where the cows come from, if any had left the herd, etc. He gets the best history of the case that he can.

Q. Does he submit that history to your department? A. If it develops that it is at all interesting he does. If he goes to your barn he gets in touch with you as the owner. He says, "Now, Mr. Tyrrell, what have you got here?" You say, "I have 10 cows. I raised them all on the place. I have not bought one for 10 years, and I have not sold one for 10 years." You might say, "I have 10 cows and I bought them all within two years."

Q. (by Mr. WHITE). Don't you require each of your agents to keep a record of his doings? A. Oh, yes.

Q. He has that on file? A. We have it on file. We have records of his every-day work on his expense slips and other ways.

Q. (by Mr. TYRRELL). Relative to the award of damages to property — who passes on that? A. That is a matter yet to be determined. It has been proposed by me and agreed to by the local agent that there should be a contractor who should visit the premises where property has been destroyed, make measurements, calculations, etc., and submit estimates relative to the value of the property destroyed.

Q. Who passes upon that? A. The man in charge of the disinfecting gang, subject to the supervision of his superior, the chief in charge of the bureau here. Incidentally, we recently had the pleasure of having here a more than ordinary expert from Washington, who made a study of the disinfecting plant.

Q. Has he got expert knowledge as to building? I suppose you mean he passes on what is to be destroyed in order to make a clean disinfection. A. That is supposed to be within the knowledge of the gang foreman who is in charge of the work. However, no case is left as completed until his work has been supervised by some man bigger than he is, and the biggest and best man we can get on that work is the man we have. We recently had a man from Washington. He goes over these places, perhaps. One of the men I send out goes and looks it over, and if there are any cracks or any rotten lumber that seems to be a danger it is ripped out.

Q. There is no limit placed upon the amount of property destroyed? A. *Safety first* is the plan, Mr. Chairman. In fact, we have one set of buildings now, and it will require a great deal of deliberation on the part of the State and Federal authorities to determine whether or not it would be advisable to burn the structures rather than disinfect them. It happens to be a hog ranch at Rehoboth, and they are built on hard

plans to properly disinfect. The owner is to clear out the litter so we can see it and determine about it.

Q. Isn't it a fact that the Commonwealth will have to reimburse for all property destroyed? A. Yes.

Q. Has there been any estimate as to the cost of this work? A. That is what I was coming to a few moments ago. There is in process the appointment, on the part of the State and Federal authorities, of a contractor who is supposed to be qualified to accurately estimate the value of the material, etc., and the cost of administering the same.

Q. The work of demolition has gone on without being passed upon by anybody? A. The work of demolition has gone on because of its necessity. The owners of property cannot get the disinfecting crews there quick enough. They want them to come right off.

Q. (by Mr. WOOD). Has that gone on without any record being made of it? A. Oh, no.

Q. (by Mr. TYRRELL). Has that gone on without having same supervised — without having expert knowledge as to what the replacement would cost? A. It has gone on under the direction of the foreman, and it has been absolutely necessary to destroy such portions of the property as would permit of thorough disinfecting. The disinfecting crews are in charge of men and under the supervision of men who have expert knowledge relative to the amount of material necessary to destroy in order to thoroughly disinfect the place. Where you and I are confused, I guess, is on whether or not there is any record of the material destroyed being kept. A record of the material destroyed is kept. Now, then, it is proposed to appoint an expert who will visit these premises, take the records submitted by the man in charge of the job when the thing was destroyed, confirm his reports from a view of the place, and make accurate estimate of the cost of the material and the cost of replacing it.

Q. (by Mr. WOOD). Who is the man who makes the report? Is he a contractor? A. The veterinary in charge of the disinfecting crew makes the report to headquarters in reference to the material destroyed.

Q. Will you submit to this commission one specimen copy where your head clerk or veterinary submits a record? A. Yes.

Q. (by Mr. TYRRELL). From the information that you have at your office can you estimate what it will cost the Commonwealth to replace property that has been destroyed? A. No, I cannot, Mr. Tyrrell.

Q. Or that is to be destroyed? A. There has not been a single estimate made of the value of property destroyed or of the cost of reinstating same.



Q. Then it is purely problematic what that is going to cost? A. Yes.

Q. You stated one case there — what is the name of the town? A. Rehoboth.

Q. Wherein you thought it would be advisable to burn down the buildings. A. I don't think I ever thought so. I said that it was being very deliberately considered — the method of satisfactorily disinfecting those premises, and it had been recommended by some that the premises be burned.

Q. Who recommended that they be burned? A. A representative of the Federal Bureau who was with me the other day. He said, "Walker, you will never clear this thing up until you burn it."

Q. How many cows would that barn tie up? A. That was a piggery. It was a perfectly awful place. They were nothing but shells at the most. They had to go in there and scrape and spray and tear out. It is difficult to determine whether or not it would not be cheaper to burn it all up. We would then have a thorough job. On the other hand, in my opinion quite a percentage of the property there can be saved and satisfactorily disinfected.

Q. You had considerable of this disease in Worcester County? A. Yes, there were several cases in Worcester. There were two cases in Grafton and one in Paxton. I think he is Mr. Ellsworth. He is a brother of our former friend, J. Lewis.

Q. (by Mr. WHITE). This is J. W.? A. Yes.

Q. (by Mr. TYRRELL). Have you visited these places where the different herds were destroyed? A. I went to Amherst and visited the Henry herd, as I told you. I went to the Taylor herd in North Amherst the day the appraisers were there, and I went to this Rehoboth job.

Q. Was the Taylor herd a blooded stock? A. Frankly, we have not had an outbreak in a single thoroughbred herd in the State.

Q. (by Mr. WOOD). Have you been paying thoroughbred prices? A. No, sir.

Q. (by Mr. TYRRELL). Can you explain how it is that your appraisers have appraised some herds at \$50 or less, and other herds they have appraised as high as \$90? A. I don't know how much of a farmer you are, but I assume you know that there is a great margin in the quality of cows. There is just as much difference as there is in overcoats.

Q. It depends upon the appraisers? A. No, it depends upon the cattle, — not on the appraisers.

Q. You have nothing in your department to show the breed of the

cattle, or the milk-giving qualities, or whether or not it would be good meat? A. No.

Q. (by Mr. WOOD). When do you propose to release your extra men? A. That is rather hard to say. I did say I was going to release one on Saturday night, but I did not get in touch with him. I am to release him to-night.

Q. Do you consider the epidemic now over? A. I think I can safely say yes. I would not be surprised if we had a few straggling cases. We have not had a new case for a week.

Q. (by Mr. TYRRELL). Has the thought suggested itself to you, or do you feel that there may be people aggrieved who were not owners of cattle, but were abutters to property where infected cattle was kept?

Q. (by Mr. WOOD). Wasn't that the question you asked me this morning or yesterday, in regard to people coming in and requesting your advice? A. What I asked, Mr. Wood, was as to what you considered my duty when an owner who had had his place quarantined and who had lost the sale of his milk and had his beef tied up incident to quarantine, came and said that he wanted satisfaction from somebody. You, I think, agreed with me that I had no authority, as I have stated to them, to say what he might or might not do, but that I could say to him that it was his privilege to make such claim against the Commonwealth or against any individual thereof as he saw fit.

Q. (by Mr. TYRRELL). Did you so advise? A. I did not advise. Men have said to me repeatedly that I want this or I want that, but I have always said: "Understand me not to be advising you. Understand me to have no authority to direct that you submit a bill or anything of the kind." I said, "It is your privilege to do it." They go on in a rather hysterical manner as to what they are going to do, etc. I have said to them that it was their privilege to submit such claims to the Great and General Court as they saw fit, that I had no authority to pass on them or recommend them, one way or the other. One of my best men, Dr. Field, the most honest fellow imaginable, said something of that character to a man down in Mendon, only to have him call me up on the next day and announce to me that Dr. Field said that if he would send in a bill for his milk which was destroyed the State would pay him. He did not say that, because he does not say those things, and I don't say them.

Q. Mr. Walker, will you please submit to this commission a copy of the telegram that you received from Dr. Paige? A. Yes, Mr. Tyrrell.

Q. (by Mr. WHITE). Can you get a copy of the agreement that the owners signed with the government? A. Yes.



Q. (by Mr. WOOD). What is your recommendation in regard to meeting these bills — have a special appropriation set aside for them and have them present their claims to the Legislature? A. I don't know as I am an authority on that subject. I had thought in a general way you or some other authority would eventually demand from me a statement of actual expenditures, actual indebtedness pending, so far as we could compute it, and that you would make a recommendation to the Legislature for the passage of a bill covering such expenditures, if it seemed wise for you to do so. If it did not, it seemed to me that it would probably be the duty of some person whose property had been destroyed to make a petition to the Legislature. I do not consider that it would be my business to demand an appropriation from the Legislature, because I think there are higher authorities than I who are supervising the State's finances.

Q. What was your appropriation for animal extermination last year? A. \$171,000. That was for the office work and the general appropriation; \$160,000 for animals.

Q. What did you spend of that amount for the fiscal year? A. We have not got our report made up. We are working on it now. We have until December 10.

Q. Will there be a balance, do you think? A. I am very sure of it.

Q. You don't know what will be available from that appropriation? A. No, I don't know; but I know we have a balance, so we are all right.

Q. (by Mr. WOOD). Do you consider that document there which is signed by the owner and the appraiser a bill of sale? A. I consider it simply a record of agreement. I am very frank to say that we dispute the fact that that was copied from the United States Bureau's document of a similar character. If I was constructing one myself and had to do it over again, I would draft it in different terms. It seems to me that perhaps you or any citizen, seeing it for the first time, might be just a little confused as to its real purpose.

Q. (by Mr. TYRRELL). You are not qualified to pass on this; neither am I or anybody else. I don't believe there is an owner in the Commonwealth of Massachusetts, who signed one of those certificates, but felt that it was a bill of sale for his cattle. A. We buried 137 for one man. He was in the office the other day and expressed in no uncertain terms that it was not a bill of sale. They do not understand it so, because they know, every one of them, that there is not a cent to cover it.

Q. (by Mr. WOOD). Do they reserve their rights to appeal? A. They give up and say, "I will accept that much."

Q. Does the State reserve the right to pay less? A. That is for the State to say. The State has the right to pay nothing under the law now. I think the Legislature has the right to pay 10 per cent. of that amount or nothing.

Q. Do you think they have to go to the Governor and Council? Don't you think that section 6, chapter 90 of the Revised Laws covers these cases? [Copy of section 6 handed Mr. Walker.] A. That is what I have been sure of all the time, gentlemen, — that our position was unqualifiedly tenable, — that this document here was rather, from many viewpoints, unnecessary when viewed from the standpoint of actual conditions to-day. This is the law under which we killed those cattle. The other day there was a man in Rehoboth who said that the appraisers and the whole State government might go somewhere where it is warmer than it was right there at that time. He said, "I will have nothing to do with you." The appraisers had told him what they would agree was a fair price for his cattle. He, in turn, announced that he was going to have a considerable amount more than that mentioned, and they came away and reported that no agreement was reached.

Q. (by Mr. TYRRELL). What are you going to do in the event of the Legislature deciding to pay those who owned cattle more than six months prior to their being destroyed? A. I am going to leave it to that same Legislature to ascertain in their own way which cattle were owned six months.

Q. You don't think it is your duty to give the Legislature that information? A. No.

Q. (by Mr. WHITE). You might, I presume, if they take that attitude, tell them to make their agreement with the United States government on the 50-50 basis. A. Certainly.

Q. I imagine the government would have not made any such 50-50 arrangement, with the understanding that they should assume the entire cost of the out-of-State cattle. I presume they would not, but still that is none of our business. We can still assume that we don't have to pay a nickel under the law. We don't have to pay a cent. A. It may be determined by the Legislature whether or not they will pay.

Q. In other words — perhaps my understanding is wrong — this appraisal is only for the purpose of giving the Legislature information as to what they can settle agreeable to the parties for. If they want to settle regardless of the parties, they can fall back on the old law.

Q. (by Mr. WOOD). How many cases were there where agreements were not reached? A. Not any. This man thought it over night,



and he could not find us quick enough the next day to sign the paper. The appraisers also signed. In the meantime some good neighbor had dropped in on him and read the provisions of section 6, and under that section his cattle would have been killed.

Q. (by Mr. TYRRELL). Don't you believe that every man who signed that agreement signed it in good faith that the Commonwealth would reimburse him? A. I have not talked on that subject, but one man who signed it (that is the man we killed the 137 cows for) said, "What do you think the chances are of our getting compensation from the State or nation?" I said, "I think it is excellent."

Q. Would you sign a statement such as this, if you owned cattle, without thinking that you were to be reimbursed for the loss of that cattle? Let us meet the issue fair and square. Isn't it a fact that that is obtained under false pretenses? A. That is obtained under section 6.

Q. Has section 6 been quoted to those whose cattle has been destroyed? A. The fact that there was no money available has been quoted.

Q. I want to ask you if your agents quoted section 6, chapter 90 of the Revised Laws prior to destroying property? A. I don't know that they did.

Hearing closed at 4.30 P.M.

THE COMMONWEALTH OF MASSACHUSETTS,  
OFFICE OF DEPARTMENT OF ANIMAL INDUSTRY,  
STATE HOUSE, BOSTON, Dec. 14, 1914.

*Commission on Efficiency and Economy, State House, Boston, Mass.*

GENTLEMEN: — In pursuance with my agreement with you, I am pleased to submit herewith record of animals destroyed because affected with, or exposed to, foot-and-mouth disease, together with the appraised value of same, of which value it is generally understood Massachusetts will pay 50 per cent., if such payment is agreeable to such officials of the Commonwealth as have jurisdiction over its expenditures.

The before-mentioned appraisals have been made with a full understanding on the part of the owners that payments of amounts agreed upon was dependent on later action of national and State governments.

Very truly yours,

(Signed) FRED F. WALKER,  
*Commissioner.*

*List of Herds condemned by the Commissioner of Animal Industry because affected with or exposed to Foot-and-Mouth Disease, December 12, 1914.*

NAME OF OWNER.	Address.	Date condemned.	Appraisal, Number Animals.	Date killed.
Angell, H. B., . . .	Rehoboth, . . .	Dec. 4, .	\$2,400, 32 cattle, \$75. . .	Dec. 8.
Barney, A. H., . . .	Rehoboth, . . .	Dec. 4, .	\$23,710, 2,033 hogs, \$11.12+. \$1,800 24 cattle, \$75. \$30 3 goats, \$10.	Dec. 9-10-11.
Benson, Walter, . . .	Granby, . . .	Dec. 4, .	\$1,958, 32 cattle, \$58 $\frac{1}{2}$ . 10 hogs, est. \$10.	Dec. 12.
Blodgett, Chester B., . .	West Boylston, . .	Nov. 14, .	\$300, 6 cattle, \$50. . .	Nov. 24.
Boston, City of, . . .	Deer Island, . . .	Nov. 12, .	\$3,300, 43 cattle, \$76+. . .	Nov. 20.
Brothers, F. S., . . .	Bellingham, . . .	Nov. 10, .	\$1,050, 17 cattle, \$61+. . . \$70 70 fowl, \$1.	Nov. 18.
Brothers, I. J., . . .	Bellingham, . . .	Nov. 10, .	\$560, 8 cattle, \$70. . . \$30 3 shoats, \$10. \$125 100 fowl, \$1.25.	Nov. 17.
Brown, O. R., . . .	Swansea, . . .	Nov. 17, .	\$4,750, 56 cattle, \$84+. . .	Nov. 22-23.
Clarrage, M. R., . . .	Lynn, . . .	Nov. 14, .	\$921, 16 cattle, \$56 $\frac{1}{2}$ . 2 hogs, est. \$10.	Nov. 28.
Coburn, O. J., . . .	Dracut, . . .	Nov. 13, .	\$6,500, 87 cattle, \$74+. . . \$1,830 130 hogs, \$14 $\frac{1}{3}$ . \$34 34 fowl, \$1.	Nov. 26.
DelMastro, D., . . . Davis, D. W., . . .	Belmont, . . .	Nov. 8, .	{ \$300, 6 cattle, \$50. . . \$102 2 cattle, \$49. 4 fowl, est. \$1.	Nov. 19.
Dumas, L. M., . . .			\$705, 10 cattle, est. \$67.50. 3 hogs, est. \$10.	
Ellsworth, J. W., . . .	Worcester, . . .	Nov. 27, .	\$1,130, 13 cattle, \$86+. . .	Dec. 4.
Fay, T. J., . . .	Swampscott, . . .	Dec. 2, .	\$2,400, 39 cattle, \$61+. . .	Dec. 5.
Fearing, W. B., . . . 202-W	Hingham, . . .	Nov. 14, .	\$10,350, 142 cattle, est. \$72+. 6 swine, est. \$10. \$11 11 fowl, \$1.	Nov. 30.
Forrest, John, . . .	Stoneham, . . .	Nov. 19, .	\$915, 10 cattle, est. \$88. 28 fowl, est. \$1.	Dec. 1.



*List of Herds condemned by the Commissioner of Animal Industry because affected with or exposed to Foot-and-Mouth Disease, December 12, 1914 — Con.*

NAME OF OWNER.	Address.	Date con- demned.	Appraisal, Number Animals.	Date killed.
Flanagan, M. J., . . .	Attleboro, . . .	Dec. 3, .	\$365, 4 cattle, est. \$50. 16 swine, est. \$10.	Dec. 11.
Gates, N. A., . . .	Danvers, . . .	Nov. 13, .	\$480, 8 cattle, \$60. \$15 32 fowl, est. \$47.	Nov. 23.
Godek, M., . . .	Chicopee, . . .	Nov. 10, .	\$226, 2 cows, est. \$80. 60 fowl, est. \$1.	Nov. 16.
Goodale, A., Est., . . .	West Boylston, . . .	Nov. 15, .	\$1,670, 23 cattle, est. \$72. 1 hog, est. \$10. 2 fowl, est. \$1.	Dec. 2.
Grosvenor, D. C., . . .	Auburn, . . .	Nov. 12, .	\$1,600, 22 cattle, est. \$71. 2 hogs, est. \$10.	Nov. 25.
Heland, G. F., . . .	Dracut, . . .	Dec. -	\$3,086.50, 39 cattle, est. \$72.73. 25 hogs, est. \$10.	Dec. 12.
Henry, Geo. L., . . .	Amherst, . . .	Nov. 5, .	\$1,895, 19 cattle, est. \$86. 6 shoats, est. \$10. 89 fowl, est. \$1.	Nov. 14.
Johnson, Emma M., . . .	Grafton, . . .	Dec. 1, .	\$900, 17 cattle, \$52+. \$30 7 sheep, \$4.50.	Dec. 31.
Jordan, H. G., Co., . . .	Hingham, . . .	Nov. 18, .	\$495, 9 cattle, \$55. \$216 16 swine, \$13.50.	Nov. 30.
Jourdan, A. H., . . .	Grafton, . . .	Nov. 16, .	\$820, 12 cattle, \$83. 8 swine, est. \$10. 36 fowl, est. \$1.	Nov. 23.
Kelly, O. A., . . .	Worcester, . . .	Nov. 6, .	\$3,900, 65 cattle, \$58+. 8 pigs, est. \$10.	Nov. 21.
Leonard, S. F., . . .	Brighton, . . .	Nov. 6, .	- -	Nov. 10 (U. S.).
Levine, H., . . .	Worcester, . . .	Nov. 23, .	\$1,161, 13 cattle, \$88+. 11 fowl, est. \$1.	Dec. 2.
Brodie, Annie, . . .			\$355 4 cattle, \$75+. 53 fowl, est. \$1 (2 short).	
Levine, M., . . .	Worcester, . . .	Nov. 10, .	\$1,300, 18 cattle, \$68+. 70 fowl, est. \$1.	Nov. 22.
Lenzi, E., . . .	Sudbury, . . .	Nov. 30, .	\$1,225, 20 cattle, \$57. 5 hogs, est. \$10. 32 fowl, est. \$1.	Dec. 5.
Loring, Homer, . . .	Ashland, . . .	Nov. 13, .	\$1,790, 26 cattle, \$68+.	Nov. 27.

*List of Herds condemned by the Commissioner of Animal Industry because affected with or exposed to Foot-and-Mouth Disease, December 12, 1914 — Con.*

NAME OF OWNER.	Address.	Date condemned.	Appraisal, Number Animals.	Date killed.
Malone, John, . . .	Granby, . . .	Nov. 8, .	\$3,157.50, . 39 cattle, \$76.50. 175 fowl, est. \$1.	Nov. 16.
McDonald, James, . . .	Brockton, . . .	Nov. 12, .	\$450, . 6 cattle, \$75. \$66.25 53 fowl, \$1.25.	Nov. 27.
Moody, H. H., . . .	Granby, . . .	Nov. 17, .	\$1,890, . 26 cattle, \$70. 50 fowl, est. \$1.	Dec. 3.
Newell, O. D., . . .	North Attleborough.	Nov. 21, .	\$325, . 6 cattle, est. \$50. 2 swine, est. \$10.	Dec. 3.
Noon, John, . . .	Rehoboth, . . .	Dec. 8, .	\$1,350, . 19 cattle, \$70+.	Dec. 11.
Ollila, M., . . .	Maynard, . . .	Nov. 14, .	\$600, . 11 cattle, \$54+. \$50 50 fowl, \$1.	Nov. 27.
Paquette, V., . . .	Swansea, . . .	Nov. 11, .	\$2,200, . 24 cattle, est. \$63. 44 swine, est. \$10. 250 fowl, est. \$1.	Nov. 25.
Parker, C. M. & T. B., . . .	Warren, . . .	Dec. 1, .	\$225, . 4 cattle, \$56 $\frac{1}{4}$ .	Dec. 4.
Sumner, W. L., . . .	Attleboro, . . .	Nov. 6, .	\$1,550, . 21 cattle, est. \$67. 2 pigs, est. \$10. 103 fowl, est. \$1. 4 turkeys, est. \$3.	Nov. 18.
Painter, A. H., . . .	Medford, . . .	Nov. 20, .	\$875, . 15 cattle, est. \$51. 1 hog, est. \$10.	Dec. 2.
Brogna, N., . . .			\$35 30 fowl, est. \$0.80. 1 hog, est. \$10.	
Young, F. S., . . .			\$625 13 cattle, est. \$45+. 3 swine, est. \$10.	
Taft, C. A., . . .	Mendon, . . .	Nov. 5, .	\$585, . 9 cattle, \$52+. 2 pigs, est. \$10.	Nov. 17.
Taft, G. M., . . .	Mendon, . . .	Nov. 18, .	\$1,001, . 13 cattle, \$77.	Nov. 28.
Taylor, L. H., . . .	Amherst, . . .	Nov. 5, .	\$621.50, . 8 cattle, est. \$73+. 35 fowl, est. \$1.	Nov. 13.
Tripp, Isaac, . . .	Westport, . . .	Nov. 11, .	\$2,000, . 14 cows, est. \$90. 2 oxen, est. \$60. 2 sheep, est. \$15. 1 goat, est. \$10. 31 swine, est. \$10. 150 fowl, est. \$1.	Nov. 23.
Vinnicum, G. W., . . .	Swansea, . . .	Nov. 17, .	\$1,900, . 21 cattle, est. \$84. 125 fowl, est. \$1.	Nov. 23.
Wolfson, Louis, . . .	Watertown, . . .	Nov. 21, .	\$525, . 6 cattle, est. \$82+. 30 fowl, est. \$1.	Dec. 3.



From the list of herds condemned by the Commissioner of Animal Industry the following detail is shown: —

Number of cattle,	. . . . .	1,099
Number of oxen,	. . . . .	2
Number of swine,	. . . . .	2,360
Number of fowl,	. . . . .	1,683
Number of turkeys,	. . . . .	4
Number of sheep,	. . . . .	9
Number of goats,	. . . . .	4
		—
Miscellaneous total,	. . . . .	5,161

48 herds.

Total appraisal of all classes of animals shows an aggregate valuation of \$106,820.75.

Because of the many instances of lump valuation or appraisal of different classes of animals, separate totals of different classes for purpose of dividing the aggregate appraisal is not possible. The attempts made in the list are arbitrary and do not represent matters correctly.

On page 2 of the list submitted by Commissioner Walker, J. W. Ellsworth of Worcester was credited with 13 cattle killed, appraised at \$86 plus per head. Total appraised value, \$1,130.

On April 1, 1914, in the office of the assessors, Worcester, a lump assessed valuation was given the following live stock of Ellsworth: —

- 13 horses.
- 12 cows.
- 2 swine.
- 20 fowl.

Total valuation lumped at \$1,600.

On page 3 of the list above referred to, H. Levine of Worcester was credited with 13 cattle killed, appraised at \$88 plus per head. Total, \$1,144.

On April 1, 1914, H. Levine was shown to have owned live stock appraised at a lump value of \$200. This stock included at the time of assessment the following: —

- 1 horse.
- 6 cows.

Total valuation lumped at \$200.

One hundred and forty-two cattle belonging to the herd of W. B. Fearing, Hingham, Mass., killed on November 30 because of the hoof-and-mouth disease, were appraised at \$10,350, or approximately \$72 plus per head. Six swine were also killed on the same date for the same cause and were appraised in total at \$60, or \$10 a head.

On April 1, last, W. B. Fearing owned 66 cows and 8 swine. In the office of the local assessors the cattle were valued for purposes of assessment, in total, \$2,500, making a per capita assessed value of \$37.87 plus. Eight swine were valued at \$50, or a per capita value of \$6.25.

NOTE. — See page 2 of document providing list and valuation of cattle slaughtered because of hoof-and-mouth disease.

*Paid on Account of Foot-and-Mouth Disease up to December 1, 1914.*

G. A. Allen, . . . . .	\$158 00	Eagle Publishing, . . . . .	\$6 50
American Cultivator Company, .	50 40	Daily News Publishing Company, .	4 10
American Multigraph Company, .	5 00	D. DelMastro, . . . . .	35 00
Amesbury Publishing Company, .	8 00	L. M. Dumas, . . . . .	16 18
E. Anthony & Son, . . . . .	22 40	Enterprise Rubber Company, . .	401 20
Spence Babbitt, . . . . .	10 75	Fall River Daily Herald, . . .	15 00
F. S. Bancroft, . . . . .	169 72	F. C. Field, . . . . .	202 00
G. W. Bickell, . . . . .	110 97	H. S. Gere & Sons, . . . . .	5 00
H. Beadreau, . . . . .	34 00	Globe Newspaper Company, . .	15 00
F. C. Blakely, . . . . .	8 70	O. S. Gordon, . . . . .	14 00
H. W. Boisseau, . . . . .	110 00	G. G. Hall, . . . . .	19 10
Boston American, . . . . .	70 00	G. G. Hall, . . . . .	23 50
Boston Daily Advertiser, . . .	10 50	E. L. Hannon, . . . . .	9 50
Boston Transcript, . . . . .	30 00	C. H. Hanson, . . . . .	24 85
Boston Herald, . . . . .	150 00	Haverhill Gazette Company, . .	3 75
Boston Jewish American, . . .	3 00	H. G. Jordan, . . . . .	74 00
Boston Journal, . . . . .	15 00	Orange Judd Company, . . . .	33 60
Boulger Shoe Company, . . . .	5 00	G. O. Joyce, . . . . .	4 00
C. A. Boutelle, . . . . .	60 00	E. Keenan, . . . . .	63 00
Bridgewater Independent, . . .	3 00	— Kimball, . . . . .	10 88
Mildred E. Brown, . . . . .	10 00	E. Knobel, . . . . .	154 93
W. H. Brownell, . . . . .	25 00	— Lamper, . . . . .	6 50
Brockton Enterprise, . . . . .	4 50	L. L. Leighton, . . . . .	37 75
Budget Company, . . . . .	25 00	Lowell Sun, . . . . .	6 00
E. A. Cahill, . . . . .	199 69	T. E. Maloney, . . . . .	80 60
H. D. Clark, . . . . .	29 20	F. C. Marion, . . . . .	122 10
W. M. Clarrage, . . . . .	41 40	Jas. McDonald, . . . . .	12 50
O. J. Coburn, . . . . .	12 00	H. J. McGuinness, . . . . .	66 85
Codman Farm, . . . . .	153 75	L. McLean, . . . . .	4 50
L. D. Conroy, . . . . .	38 45	J. K. Mason, . . . . .	25 00
A. M. Cullin, . . . . .	5 50	Merrimac Clothing, . . . . .	19 30
G. Curtis, . . . . .	3 37	— Mahoney, . . . . .	6 00
M. T. Carrigan, . . . . .	212 17	Mitchell & Company, . . . . .	4 25
C. J. Dailey, . . . . .	190 43	S. S. Miller, . . . . .	29 25
Daily Times Print, . . . . .	4 00	M. L. Miner, . . . . .	13 75
Gladys DeWolf, . . . . .	9 03	J. N. Murray, . . . . .	8 50
S. E. DeWolf, . . . . .	27 75	North Adams Herald, . . . . .	9 00



North Adams Transcript, . . . . .	\$3 50	Home Soap Company, . . . . .	\$49 00
H. E. Paige, . . . . .	142 95	E. M. Howlett, . . . . .	22 60
J. B. Paige, . . . . .	189 10	M. A. Howlett, . . . . .	45 13
C. H. Paquin, . . . . .	84 65	Iver Johnson Sporting Goods	
A. L. Parker, . . . . .	50 00	Company, . . . . .	85 68
T. A. Parker, . . . . .	10 00	Jewish Daily News, . . . . .	6 00
Peabody Press, . . . . .	6 50	Telegram Newspaper Company, .	5 62
H. W. Pierce, . . . . .	95 89	Telegram Publishing Company, .	5 75
C. H. Perry, . . . . .	277 46	W. L. Thayer, . . . . .	10 20
Austin Peters, . . . . .	41 52	Thompson Hardware Company, .	2 40
B. D. Pierce, . . . . .	92 45	M. S. Townsend, . . . . .	10 15
A. H. Reed, . . . . .	49 58	Wm. Ward, . . . . .	78 89
W. S. Plaskett, . . . . .	27 00	W. T. White, . . . . .	116 61
C. H. Playdon, . . . . .	201 75	B. O. & G. C. Wilson, . . . . .	48 00
Post Publishing Company, . . . . .	140 00	— Whittemore, . . . . .	13 98
Republic Publishing Company, . . . . .	50 00	B. H. Wiggin Company, . . . . .	240 00
Ricketson Baggage Express, . . . . .	24 00	Worcester Rendering Company, .	25 00
A. M. Robbins, . . . . .	14 10	Wright & Potter Printing Com-	
A. M. Robbins, . . . . .	8 25	pany, . . . . .	133 36
J. H. Roberts, . . . . .	74 77	J. B. Kelsea Company, . . . . .	6 00
J. W. Robinson, . . . . .	15 00	McManus Brothers, . . . . .	8 00
Salem Evening News, . . . . .	4 75		
Marian H. Sargent, . . . . .	5 25		\$7,158 41
Mary E. Sargent, . . . . .	112 18		
Petty Cash, . . . . .	163 34	— Sheridan, . . . . .	\$35 00
R. E. Sargent, . . . . .	5 75	Springfield Union, . . . . .	3 98
Sentinel Printing, . . . . .	2 00	Smith-Green Company, . . . . .	34 65
M. F. Sewell, . . . . .	26 86	F. P. Sturgis, . . . . .	140 36
W. H. Shannon, . . . . .	118 67	— Sullivan, . . . . .	52 80
A. G. Sheldon, . . . . .	75 75	Taunton Inn, . . . . .	153 80
A. C. Holman, . . . . .	99 81		



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF

FRED F. WALKER  
COMMISSIONER

DEPARTMENT OF ANIMAL INDUSTRY  
STATE HOUSE, BOSTON

.....(Place)  
.....(Date)

This is to certify that I have this day sold the United States Department of Agriculture and the Massachusetts Department of Animal Industry..... affected with or exposed to foot-and-mouth disease at an appraisal of..... Dollars, sound value, of which I agree to accept 50 per cent as compensation on the part of the Commonwealth.

(Signed).....  
(Owner)  
(Signed).....  
(Appraiser)

THE COMMONWEALTH OF MASSACHUSETTS,  
OFFICE OF DEPARTMENT OF ANIMAL INDUSTRY,  
STATE HOUSE, BOSTON, December 15, 1914.

To the Honorable Board of Economy and Efficiency, State House, Boston.

GENTLEMEN: — In compliance with the request made by you I enclose herewith copy of telegram received from Dr. Henry E. Paige, of Amherst, on November 5, which te'egram was the first notification I received of the presence of foot-and-mouth disease in Massachu etts.

I also enclose copy of United States Bureau of Animal Industry "F. I. Form 93B," which form was handed to me by Dr. A. D. Melvin, Chief of that bureau, at Washington, D. C., who made the suggestion that I draft a similar form to be signed by owners and the State's appraiser, indicating the willingness on the part of the owner to accept, approved on the part of the appraiser, the amount thereon stated as the sum representing the value of animals to be destroyed on the premises of the owner signing the form, because affected with or exposed to foot-and-mouth disease. The form used by this depart- ment, as you will observe, although not an exact copy, is substantially such.

Very respectfully yours,

(Signed) FRED F. WALKER,  
Commissioner.

Enclosures. .

2 HS MF 24 Paid. 11.29 A.M.  
Amherst, Mass., Nov. 5, 1914. Filed 11.15 A.M.

FRED F. WALKER, State House, Boston, Mass.

James and I feel certain of the existence of foot-and-mouth disease among cattle on premises George Henry. Everything placed under strictest quarantine.

H. E. PAIGE.

F. I. Form 93 B.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF ANIMAL INDUSTRY.

THIS IS TO CERTIFY that I have this day sold to the United States Department of Agriculture.....affected with or exposed to foot-and-mouth disease at an appraisal of.....Dollars, sound value, of which I agree to accept 50 per cent as compensation in full from the said Department.

(Signed).....  
(Owner)

Place .....  
Date.....



THE COMMONWEALTH OF MASSACHUSETTS,  
COMMISSION ON ECONOMY AND EFFICIENCY,  
ROOM 110, STATE HOUSE, BOSTON, Dec. 16, 1914.

THOMAS J. BOYNTON, ESQ., *Attorney-General, State House, Boston.*

DEAR SIR: — This commission hands you herewith copy of a form prescribed by the Department of Animal Industry distributed to and filled in by owners of cattle slaughtered in the recent attempts made by the Commonwealth and the Federal government to stamp out the hoof-and-mouth disease among live stock within this State.

The commission requests the opinion of your office upon the following points:

1. Definition of the legal nature of such document when filled and signed as provided.

2. General or statutory power, if any, of the Department of Animal Industry, to provide for such certificates.

3. Nature and extent of rights and obligations, if any, and between what parties, arising from certificate properly executed in compliance with form as enclosed.

Very truly yours,

(Signed) FRANCIS X. TYRRELL,  
*Chairman.*

SATURDAY, Dec. 19, 1914.

Mr. Roger Sherman Hoar, of the Attorney-General's department, called Chairman Tyrrell on the telephone, and the following is the gist of the statement made by him:

That he received a communication from this commission, requesting an opinion as to whether or not the document used by Mr. Fred F. Walker, Commissioner of Animal Industry, in his campaign against the foot-and-mouth disease in Massachusetts, is a bill of sale. Mr. Hoar was of the opinion that it could be given that construction, but thought it would not be advisable for the Attorney-General's department to go on record as handing down an opinion to that effect, unless this commission insisted upon same, for it might create a great deal of trouble for the Commonwealth which should, if possible, be avoided.

Mr. Hoar further stated that Mr. Walker had conferred with him, and after such conference the document referred to was greatly modified, so that in its present form it could not be considered a bill of sale. Mr. Hoar also stated that the Federal form was recently modified.

The modification of these forms is worthy of more than passing notice by this commission, inasmuch as the modification of both forms has taken place subsequent to this commission's directing attention to the danger of the document in its original form.

Modified form not in use prior to Dec. 21, 1914.



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF

FRED F. WALKER  
COMMISSIONER

DEPARTMENT OF ANIMAL INDUSTRY

STATE HOUSE, BOSTON

(Form for Agreement.)

.....(Place)

.....(Date)

I hereby agree to accept as compensation in full from the Commonwealth of Massachusetts, in the event that the Legislature appropriates funds out of which payment can be made, fifty (50) per cent. of the appraised valuation of all animals destroyed (of property destroyed or damaged in disinfecting), on account of the existence of contagious foot and mouth disease, which appraised valuation is.....Dollars.

This agreement is made without prejudice to my right, if any, to receive further compensation from the United States.

(Signed) .....  
(Owner)

The foregoing is a correct statement of the valuation as appraised by me.

(Signed) .....  
(Appraiser)

F. I. Form 99 B.

**UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF ANIMAL INDUSTRY.**

I HEREBY AGREE to accept as compensation in full from the United States, in the event that the Congress appropriates funds out of which payment can be made,.....dollars, which is 50 per cent of the valuation of all animals destroyed on account of the existence of contagious foot-and-mouth disease.

(Signed) .....  
(Owner)

Place.....

Date.....



THE COMMONWEALTH OF MASSACHUSETTS,  
COMMISSION ON ECONOMY AND EFFICIENCY,  
ROOM 110, STATE HOUSE, BOSTON, Dec. 16, 1914.

*United States Department of Agriculture, Bureau of Animal Industry, Wash-  
ington, D. C.*

*Chief of Bureau.*

The Massachusetts Commission on Economy and Efficiency, established by an act of the Legislature for the purpose of investigating the management and finances of all commissions, boards and undertakings of the Commonwealth, is now engaged in an investigation of the foot-and-mouth disease in this State.

In order to complete the work it is absolutely necessary that this commission have a copy of all the correspondence between the Massachusetts Bureau of Animal Industry and the Bureau of Animal Industry of the United States Department of Agriculture on this subject.

You will confer a great favor upon this commission by submitting at the earliest possible moment the material referred to in this communication. Thanking you in advance for same, I remain,

Yours very truly,

(Signed) FRANCIS X. TYRRELL,  
*Chairman.*

DEPARTMENT OF AGRICULTURE,  
BUREAU OF ANIMAL INDUSTRY,  
WASHINGTON, D. C., Dec. 26, 1914.

Mr. FRANCIS X. TYRRELL, *Chairman, Commission on Economy and Efficiency,  
Room 110, State House, Boston, Mass.*

DEAR SIR: — I beg to acknowledge receipt of your letter of the 16th instant requesting copies of all correspondence between the Massachusetts Bureau of Animal Industry and the Bureau of Animal Industry of the United States, in order that you may complete certain investigations which you are now making. As this correspondence is undoubtedly on file in one of the offices of your State institution, I would suggest it be obtained there.

Very truly yours,

(Signed) A. D. MELVIN,  
*Chief of Bureau.*

EXTRACT FROM THE DAILY JOURNAL OF THE COMMISSION ON ECONOMY  
AND EFFICIENCY, MONDAY, DEC. 21, 1914.

Chairman Tyrrell, in conference with Commissioners White and Wood, stated that it was called to his attention that Mr. Myron T. Carrigan of Concord, who was acting as appraiser for the Department of Animal Industry in the campaign against the foot-and-mouth disease, is a business partner of Fred F. Walker, Commissioner of Animal Industry. This information was obtained by the chairman on Saturday evening, December 19. After discussing this matter with the commissioners the chairman suggested that Myron T. Carrigan be summoned to appear before this commission on this date, and in compliance with that suggestion got in communication with Mr. Carrigan over the telephone. Mr. Carrigan stated that he would be at the rooms of the commission this afternoon shortly after three o'clock.

EXTRACT FROM DAILY JOURNAL OF THE COMMISSION ON ECONOMY  
AND EFFICIENCY, MONDAY, DEC. 21, 1914.

In response to a telephonic communication earlier in the day, Mr. Myron T. Carrigan of Concord conferred with the full board at 5.15 P.M.

It developed at this conference that the business of Mr. Carrigan, who has been serving as an appraiser for the Department of Animal Industry in the epidemic of the foot-and-mouth disease, is that of farming and cattle buying. Examination of Mr. Carrigan developed the fact that his principal occupation is that of buying and selling cattle, and that the farming is but secondary, inasmuch as such farming provides for the furnishing of feed for the cattle raised, bought and sold.

Mr. Carrigan stated that he was a business partner of Mr. Fred Freeland Walker in buying, raising and selling blooded stock, and that the extent of this business was between one and two thousand dollars annually.

He stated that no attempt was made to determine the value of cows as milk producers other than the word of the farmer or herdsman. No records were examined to determine the amount of milk produced by the destroyed cattle, notwithstanding the fact that on the milk-giving cows the appraised price was fixed as to its dairy value; that no records were made other than to show the number of cattle killed and the appraisal price on same; and that wherein they found any of the cattle affected, even in cases where a single instance of the disease was shown, the entire herds were killed off.



He stated that he received for his services \$10 per day and expenses. His concluding statement was that he felt that they had the disease under control, if not entirely exterminated.

Payments made in the past year by Commissioner Walker to Langdon Frothingham, M.D.V., for expert services relative to work performed by the Department of Animal Industry, whose name does not appear in P. D. 90. (Dr. Frothingham is at present chairman of the Board of Registration in Veterinary Medicine.) The payments are divided into four main divisions: (1) personal payment, which is in the nature of a monthly retainer, (2) amounts paid to the doctor for laboratory assistance, (3) amounts paid to same for care of animals, (4) amounts paid same for laboratory supplies and feed for animals.

	Retainer.	Laboratory Assistance.	Care of Animals.	Laboratory Supplies or Food.
Dec., 1913, . . . . .	\$250 00	\$24 50	\$22 00	\$8 09 Lab. Sup.
Jan., 1914, . . . . .	250 00	10 00	22 00	12 80 (feed for animals).
Feb., 1914, . . . . .	150 00	10 00	22 00	11 35 Lab. Sup.
Mar., 1914, . . . . .	250 00	10 00	22 00	27 32 Feed and Lab. Sup.
Apr., 1914, . . . . .	250 00	10 00	22 00	1 00 Lab. Sup.
May, 1914, . . . . .	250 00	10 00	23 00	5 00 Lab. Sup.
June, 1914, . . . . .	250 00	10 00	20 00	8 00 Lab. Sup.
July, 1914, . . . . .	250 00	-	27 00	{ 10 00 Feed. 12 00 Lab. Sup.
Aug., 1914, . . . . .	250 00	10 00	22 00	8 70 Feed.
Sept., 1914, . . . . .	250 00	22 00	22 00	2 25 Lab. Sup.
Oct., 1914, . . . . .	250 00	10 00	20 00	-
Nov., 1914, . . . . .	250 00	10 00	24 00	{ 10 80 Feed. 2 40 Lab. Sup.
	\$2,900 00	\$136 50	\$268 00	\$119 71

\$2,900 00

136 50

268 00

119 71

\$3,424 21 Grand total.

During the year past L. H. Howard, M.D.V., a member of the Massachusetts Board of Registration in Veterinary Medicine, employed as consulting veterinarian to the Commissioner of Animal Industry, received a total of \$1,744.66 for services.

No regular stipend was arranged, — particular payments being made by mutual agreement between the doctor and the Commissioner of Animal Industry.

REFERENCES *in re* ANIMAL INDUSTRY.

## SECTION 1, CHAPTER 608, ACTS OF 1912.

Cattle Bureau  
abolished.

The cattle bureau of the state board of agriculture is hereby abolished.

## SECTION 2, CHAPTER 608, ACTS OF 1912.

Department  
of Animal  
Industry  
established.

A department is hereby created to be known as the Department of Animal Industry.

## SECTION 4, CHAPTER 608, ACTS OF 1912.

Powers and  
duties of  
Commissioner  
of Animal  
Industry.

The commissioner of animal industry shall have the powers and perform the duties heretofore conferred and imposed upon the board of cattle commissioners and the chief of the cattle bureau, and shall have supervision of contagious diseases among domestic animals in the city of Boston: but no orders or regulations made by him under authority of sections four and seven of chapter 90 of the Revised Laws, or of section seven of the said chapter, as amended by section 1 of chapter 297 of the Acts of 1911, shall take effect until approved by the governor and council.

## SECTION 4, CHAPTER 90, REVISED LAWS.

*Re* sects. 4-7,  
ch. 90, R. L.;  
cf. sect. 3, ch.  
116, Acts 1902;  
sect. 1, ch. 220,  
Acts 1903; ch.  
329, Acts 1908;  
ch. 474, Acts  
1909; ch. 6,  
Acts 1911;  
sect. 4, ch. 608,  
Acts 1912; ch.  
329, Acts 1913.

The board may from time to time make orders and regulations relative to the prevention, suppression and extirpation of contagious diseases of domestic animals, and relative to the inspection, examination, quarantine, care and treatment or destruction of such animals which are affected with, or have been exposed to, such diseases, and relative to the burial or other disposal of their carcasses and the cleansing and disinfection of districts, buildings or places in which such contagion exists or has existed. It shall also from time to time make and prescribe forms for records of inspectors, certificates of examinations, notices and orders of quarantine, orders for killing and burial, and for returns of inspectors which are required by this chapter. All orders and regulations made by the board shall be entered on its records, and a copy thereof shall be sent to each inspector in the city or town to which the orders or regulations apply, and be published by him in such manner as the orders or regulations may prescribe.

## SECTION 6, CHAPTER 90, REVISED LAWS.

Cf. sect. 4, ch.  
608, Acts 1912;  
cf. also ch. 646,  
Acts 1913, *in*

If the board or any one of its members or agents, by examination of a case of contagious disease of domestic animals, is of opinion that the public good so requires, it or he shall cause the diseased animal



to be securely isolated or to be killed without appraisal or payment. An order for killing shall be issued in writing by the board or any of its members, may be directed to an inspector or other person, and shall contain such direction as to the examination and disposal of the carcass and the cleansing and disinfection of the premises where such animal was condemned as the board or commissioner consider expedient. A reasonable amount may be paid from the treasury of the commonwealth for the expense of such killing and burial. If, thereafter, it appears, upon post mortem examination or otherwise, that such animal was free from the disease for which it was condemned, a reasonable amount therefor shall be paid to the owner by the commonwealth. If any cattle which are condemned as afflicted with tuberculosis are killed under the provisions of this section, the full value thereof at the time of condemnation not exceeding forty dollars for any one animal, shall be paid to the owner by the commonwealth if such animal has been owned within the commonwealth six consecutive months prior to being killed, or if it has been inspected and satisfactory proof has been furnished to the board by certificate or otherwise that it is free from disease, and if the owner has not, prior thereto, in the opinion of the board, by wilful act or neglect, contributed to the spread of tuberculosis; but such decision shall not deprive the owner of the right of arbitration as hereinafter provided.

*re payment of sums not exceeding by statute \$50 for horses, mules and asses condemned as afflicted with glanders.*

SECTION 10, CHAPTER 90, REVISED LAWS.

If animals are brought into this commonwealth from places outside, which, in the opinion of the board, are infected, they may be seized and quarantined by the commissioners at the expense of their owners or consignees, so long as the public safety requires; and, if in their opinion safety so requires, they may cause such animals to be killed without appraisal or payment.

SECTION 28, CHAPTER 90, REVISED LAWS.

Contagious diseases, under the provisions of this chapter, shall include glanders, farcy, contagious pleuro-pneumonia, tuberculosis, Texas fever, foot-and-mouth disease, rinderpest, hog cholera, rabies, anthrax or anthracoid diseases, sheep scab and actinomycosis.

*Amended by ch. 6, Acts 1911, including mangle as a contagious disease.*

SECTION 33, CHAPTER 90, REVISED LAWS.

No compensation shall be allowed by the commonwealth to an owner of condemned cattle who has failed to comply with the reasonable regulations of the board relative to cleanliness, ventilation, light, disinfection and water supply. An owner of cattle who refuses to comply with any such regulation shall be punished by a fine of not more than fifty dollars.

The Commonwealth of Massachusetts.

LAWS RELATING TO CONTAGIOUS DISEASES OF  
DOMESTIC ANIMALS.

ACTS OF 1912, CHAPTER 608.

AN ACT TO ABOLISH THE CATTLE BUREAU OF THE STATE BOARD  
OF AGRICULTURE AND TO CREATE A DEPARTMENT OF ANIMAL  
INDUSTRY.

*Be it enacted, etc., as follows:*

Cattle bureau  
of state board  
of agriculture  
abolished.  
Department of  
animal indus-  
try created.  
Commissioner  
of animal in-  
dustry to be  
appointed for  
a term of three  
years.

SECTION 1. The cattle bureau of the state board of agriculture is hereby abolished.

SECTION 2. A department is hereby created to be known as the department of animal industry.

SECTION 3. The governor, with the advice and consent of the council, shall appoint as the head of the said department a commissioner of animal industry, who shall hold office for a term of three years from the date of his appointment, and upon the expiration of the term of office of such commissioner, or upon the occurrence of a vacancy in said office, the governor shall appoint a successor for a like term. The commissioner of animal industry shall receive an annual salary of thirty-five hundred dollars and the amount of his necessary expenses, and he may appoint a clerk at an annual salary of twelve hundred dollars.

Salary, etc.

Powers and  
duties of.

SECTION 4. The commissioner of animal industry shall have the powers and perform the duties heretofore conferred and imposed upon the board of cattle commissioners and the chief of the cattle bureau, and shall have supervision of the matter of contagious diseases among domestic animals in the city of Boston; but no orders or regulations made by him under authority of sections four and seven of chapter ninety of the Revised Laws, or of section seven of the said chapter, as amended by section one of chapter two hundred and ninety-seven of the acts of the year nineteen hundred and eleven, shall take effect until approved by the governor and council. The commissioner shall make a written report on or before the tenth day of January of each year to the general court.



SECTION 5. Section eleven of said chapter ninety, as amended by section one of chapter five hundred and fifteen of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the words "chief of the cattle bureau of the state board of agriculture", in the ninth and tenth lines, and inserting in place thereof the words: — commissioner of animal industry, by striking out the words "but no such notice shall be required in the city of Boston relative to glanders, farcy or rabies, which shall be cared for by the board of health of said city", in the thirteenth to the sixteenth lines, both inclusive, and by striking out the words "chief of the cattle bureau", in the nineteenth line, and inserting in place thereof the words: — commissioner of animal industry, — so as to read as follows: — *Section 11.* The board of health of a city or town, any member or agent thereof or any other person who has knowledge of or reason to suspect the existence of any contagious disease among any domestic animals in this commonwealth, or that any domestic animal is affected with such contagious disease, whether such knowledge is obtained by personal examination or otherwise, shall immediately give notice thereof in writing to the commissioner of animal industry, or to an inspector of animals for the city or town where the animal is kept. Whoever fails to give such notice shall be punished by a fine of not more than one hundred dollars. Upon the receipt of such notice by said inspector, he shall proceed as provided in sections nineteen to twenty-two, both inclusive. Upon receipt of such notice by the commissioner of animal industry, he shall inspect or cause his agent to inspect such animal, and thereafter shall proceed as provided in section six.

SECTION 6. Section twelve of said chapter ninety, as amended by section one of chapter one hundred and forty-three of the acts of the year nineteen hundred and eleven, is hereby further amended by striking out the words "chief of the cattle bureau of the state board of agriculture", in the fifth, sixth and eighth lines, and inserting in each instance in place thereof the words: — commissioner of animal industry, and by striking out the last sentence, so as to read as follows: — *Section 12.* The mayor and aldermen in cities, except Boston, and the selectmen in towns shall annually, in March, nominate one or more inspectors of animals, and before the first day of April shall send to the commissioner of animal industry the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the commissioner of animal industry.

SECTION 7. The provisions of chapter ninety of the Revised Laws, as amended, relating to inspectors of animals in cities and towns shall apply to any person or persons officially performing the functions of an inspector of animals in the city of Boston, except the

provisions with reference to the nomination, approval and compensation of inspectors of animals.

SECTION 8. The clerks, stenographers, consulting veterinarians, agents and assistants, who are registered at the time of the passage of this act under the civil service as clerk, stenographer, consulting veterinarian, agent or assistant of the cattle bureau of the state board of agriculture, shall be transferred by the civil service commissioners from the said bureau as such clerk, stenographer, consulting veterinarian, agent or assistant to the department of animal industry, without further qualification.

SECTION 9. So much of section three of this act as authorizes the appointment of the commissioner of animal industry shall take effect upon the passage of this act, and the remainder of the act shall take effect upon the appointment and qualification of the commissioner of animal industry.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed. [*Approved May 20, 1912.*]

NOTE. — Since, by the provisions of section three of the above chapter, the powers and duties heretofore conferred and imposed upon the Board of Cattle Commissioners and the Chief of the Cattle Bureau of the State Board of Agriculture now devolve upon the Commissioner of Animal Industry, the words “Commissioner of Animal Industry” should be substituted for “Board of Cattle Commissioners” or “Chief of the Cattle Bureau” wherever found in the laws which follow.

---

#### REVISED LAWS, CHAPTER 90.

#### OF THE BOARD OF CATTLE COMMISSIONERS AND OF CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

Board of cattle commissioners. Superseded by chap. 608, 1912.

SECTION 1. [There shall be a board of cattle commissioners consisting of three persons, one of whom shall annually, in May, be appointed by the governor, with the advice and consent of the council, for a term of three years from the first day of the following June. The governor and council may remove any member of the board and may revoke the commissions of the entire board if, in their opinion, the public safety will permit. Each member of the board shall receive, as compensation, not more than five dollars a day for each day of actual service and his actual travelling expenses which have been necessarily incurred.]

Clerks, officers, agents, etc. Modified by 1912, 608, § 3.

SECTION 2. The board may appoint a clerk who shall receive such compensation, not exceeding five hundred dollars a year, as the board may determine. It may also from time to time appoint officers, agents and assistants, who shall have the authority and powers of inspectors under the provisions of section twenty-three



shall receive such compensation as the board may determine and may at any time be removed by the board.

SECTION 3. The board shall keep a full record of its doings and shall annually, on or before the tenth day of January, or sooner if required by the governor, make a report thereof to the general court, an abstract of which shall be printed in the annual report of the state board of agriculture.

Records and  
report.  
Modified by  
1912, 608, § 4.

SECTION 4. The board may from time to time make orders and regulations relative to the prevention, suppression and extirpation of contagious diseases of domestic animals, and relative to the inspection, examination, quarantine, care and treatment or destruction of such animals which are affected with, or have been exposed to, such diseases, and relative to the burial or other disposal of their carcasses and the cleansing and disinfection of districts, buildings or places in which such contagion exists or has existed. It shall also from time to time make and prescribe forms for records of inspectors, certificates of examinations, notices and orders of quarantine, orders for killing and burial, and for returns of inspectors which are required by this chapter. All orders and regulations made by the board shall be entered on its records, and a copy thereof shall be sent to each inspector in the city or town to which the orders or regulations apply, and be published by him in such manner as the orders or regulations may prescribe.

Regulations,  
record of.  
Modified by  
1912, 608, § 4.

SECTION 5. The board may establish hospitals or quarantine stations, with proper accommodations, wherein, under prescribed regulations, animals selected by it may be confined and treated for the purpose of determining the characteristics of a specific contagion and the methods by which it may be disseminated or destroyed, and may direct inspectors to enforce and carry into effect all regulations made from time to time for that purpose.

Hospitals and  
quarantine.

SECTION 6. If the board or any one of its members or agents, by examination of a case of contagious disease of domestic animals, is of opinion that the public good so requires, it or he shall cause the diseased animal to be securely isolated or to be killed without appraisal or payment. An order for killing shall be issued in writing by the board or any of its members, may be directed to an inspector or other person, and shall contain such direction as to the examination and disposal of the carcass and the cleansing and disinfection of the premises where such animal was condemned as the board or commissioner consider expedient. A reasonable amount may be paid from the treasury of the commonwealth for the expense of such killing and burial. If thereafter it appears, upon post mortem examination or otherwise, that such animal was free from the disease for which it was condemned, a reasonable amount therefor shall be paid to the owner by the commonwealth. If any cattle

Isolation, etc.,  
of affected  
animals.

which are condemned as afflicted with tuberculosis are killed under the provisions of this section, the full value thereof at the time of condemnation, not exceeding forty dollars for any one animal, shall be paid to the owner by the commonwealth if such animal has been owned within the commonwealth six consecutive months prior to being killed, or if it has been inspected and satisfactory proof has been furnished to the board by certificate or otherwise that it is free from disease, and if the owner has not, prior thereto, in the opinion of the board, by wilful act or neglect, contributed to the spread of tuberculosis; but such decision shall not deprive the owner of the right of arbitration as hereinafter provided.

Examinations  
by the board  
under oath.

SECTION 8. The board may examine under oath all persons who are believed to possess knowledge of material facts relative to the existence or dissemination, or danger of dissemination, of contagious diseases among domestic animals, or relative to any other matter within the provisions of this chapter and each member of said board, for the purposes of this chapter, shall have all the powers vested in justices of the peace by chapters one hundred and sixty-one and one hundred and seventy-five to take depositions, to compel witnesses to attend and testify before said board and to administer oaths. Witnesses shall receive the same fees for attendance and travel as witnesses before the superior court. The expense of procuring the attendance of such witnesses shall be paid by the commonwealth. Copies of the records of said board, or of any order or regulation issued by it or by any of its members, if duly certified by its clerk, and any certificate by its clerk of the issuing, recording, delivering or publishing of such orders or regulations under the provisions of section four, shall be competent evidence of such fact in any tribunal.

Aid by  
sheriffs, etc.

SECTION 9. A member of the board or an inspector may require sheriffs, constables and police officers to assist him in the performance of his duties, and sheriffs, constables and police officers shall upon request assist such commissioner or inspector and shall have the same powers and protection, while engaged in the performance of their duties, as peace officers.

Quarantine  
of imported  
animals.

SECTION 10. If animals are brought into this commonwealth from places outside, which, in the opinion of the board, are infected, they may be seized and quarantined by the commissioners at the expense of their owners or consignees, so long as the public safety requires; and, if in their opinion safety so requires, they may cause such animals to be killed without appraisal or payment.



(Section 11 of Chapter 90 of the Revised Laws, as amended by Chapter 608, Acts of 1912.)

SECTION 11. The board of health of a city or town, any member or agent thereof or any other person who has knowledge of or reason to suspect the existence of any contagious disease among any domestic animals in this commonwealth, or that any domestic animal is affected with such contagious disease, whether such knowledge is obtained by personal examination or otherwise, shall immediately give notice thereof in writing to the commissioner of animal industry, or to an inspector of animals for the city or town where the animal is kept. Whoever fails to give such notice shall be punished by a fine of not more than one hundred dollars. Upon the receipt of such notice, by said inspector, he shall proceed as provided in sections nineteen to twenty-two, both inclusive. Upon receipt of such notice by the commissioner of animal industry he shall inspect or cause his agent to inspect such animal, and thereafter shall proceed as provided in section six.

Notice of suspected contagious disease to be sent to commissioner of animal industry.

(Section 12 of Chapter 90 of the Revised Laws, as amended by Chapter 608, Acts of 1912.)

SECTION 12. The mayor and aldermen in cities, except Boston, and the selectmen in towns shall annually, in March, nominate one or more inspectors of animals, and before the first day of April shall send to the commissioner of animal industry the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the commissioner of animal industry.<sup>1</sup>

Inspectors of animals.

In cities, one inspector to be a registered veterinarian. See chap. 378, Acts of 1908.

SECTION 13. A city or town shall, for each refusal or neglect of its officers to comply with the requirements of the preceding section, forfeit not more than five hundred dollars. Said board may appoint one or more inspectors for such city or town, and may remove an inspector who refuses or neglects to be sworn or who, in the opinion of the board, does not properly perform the duties of his office and may appoint another inspector for the residue of his term.

Inspectors of animals, appointment of, by board.

SECTION 14. An inspector shall be sworn to the faithful performance of his official duties, and shall receive a reasonable compensation from the city or town for which he is appointed. If he is appointed by the board of cattle commissioners, his compensation shall be fixed by said board, shall not exceed five hundred dollars a year, and shall be paid by the city or town for which he is appointed. In towns having a valuation of less than two and one-

— oath of; compensation.

<sup>1</sup> Chapter 378 of the Acts of 1908 reads as follows: In all cities, at least one of the inspectors of animals appointed under the provisions of section twelve of chapter ninety of the Revised Laws shall be a registered veterinary surgeon.

half million dollars, one-half of such compensation, not exceeding two hundred and fifty dollars for each inspector in any one year, shall be paid by the commonwealth.

Inspectors of  
animals,  
records of.

SECTION 15. An inspector shall keep a record of all inspections made by him and his doings thereon, and shall make regular returns thereof to the board. The board shall prescribe the form in which and the times at which such records and returns shall be made and it may at any time inspect them and make copies thereof.

— duties of.

SECTION 16. An inspector shall comply with and enforce all orders and regulations which may be directed to him by the board of cattle commissioners or by any of its members. If he refuses or neglects so to do, he shall be punished by a fine of not more than it may five hundred dollars.

Inspection  
of domestic  
animals.

SECTION 17. Said inspectors shall make regular and thorough inspections of all neat cattle, sheep and swine found within the limits of their several cities and towns, except as provided in section eleven. Such inspections shall be made at such times and in such manner as the board shall from time to time order. They shall also from time to time make inspections of all other domestic animals within the limits of their several cities and towns if they know, or have reason to suspect, that such animals are affected with or have been exposed to any contagious disease, and they shall immediately inspect all domestic animals and any barn, stable or premises where any such animals are kept whenever directed so to do by the board or any of its members; but the provisions of this section shall not apply to the inspection of sheep or swine slaughtered in wholesale slaughtering establishments, or to the obtaining of a license for the slaughtering of such sheep or swine.

Certificate  
of healthy  
condition.

SECTION 18. An inspector who is satisfied, upon an examination of any neat cattle, sheep or swine, that they are free from contagious disease, shall deliver to the owner or to the person in charge thereof a written certificate of their condition, in such form as the board shall prescribe, signed by him, and shall enter a copy of said certificate upon his records.

Quarantine  
of infected  
animals.

SECTION 19. An inspector who, upon an examination of a domestic animal, suspects, or has reason to believe, that it is affected with a contagious disease shall immediately cause it to be quarantined or isolated upon the premises of the owner or of the person in whose charge it is found, or in such other place or inclosure as he may designate, and shall take such other sanitary measures to prevent the spread of such disease as may be necessary or as shall be prescribed by any order or regulation of the board. He shall also deliver to the owner or person in charge of such animal, or to any person having an interest therein, a written notice or order of quarantine signed by him, in such form as the board shall prescribe, and shall enter a copy of said notice upon his records.



SECTION 20. Such notice or order may be served by an officer qualified to serve civil process, or it may be delivered by the inspector to the owner or person having an interest in the animal concerned or to the person in charge of such animal, or it may be left at his last and usual place of abode or may be posted upon the premises where said animal is quarantined or isolated. A copy thereof, with the return of said officer or inspector thereon that such service has been made, shall be competent evidence in any court that such quarantine has been imposed. If an animal has been so quarantined, it shall remain in quarantine until the further order of the board or of one of its members.

Service of  
notice of  
quarantine.

SECTION 21. If animals have been quarantined, collected or isolated upon the premises of the owner or of the person in possession of them at the time such quarantine is imposed, the expense thereof shall be paid by such owner or person; but if specific animals have been quarantined or isolated under the provisions of section five or section nineteen for more than ten days upon such premises, as suspected of being affected with a contagious disease, and the owner is forbidden to sell any of the product thereof for food, or if animals have been quarantined, collected or isolated on any premises other than those of such owner or person in possession thereof, the expense of such quarantine shall be paid by the commonwealth.

Expense of  
quarantine.

SECTION 22. An inspector who has caused a domestic animal to be quarantined, as provided in the preceding section, shall immediately give a written notice thereof, with a copy of the order of quarantine, to the board, and shall give such information to no other person.

Notice of  
quarantine  
to board.

SECTION 23. An inspector, duly qualified, may enter any building or part thereof or any enclosure or other place where an animal is kept, for the purpose of inspecting or examining such animal and may examine or inspect the same. Whoever prevents, obstructs or interferes with such inspector or other person having the power and authority of an inspector in the performance of any of his duties as provided herein, or whoever hinders, obstructs or interferes with his making such inspection or examination, or whoever secretes or removes any animal, for the purpose of preventing it from being inspected or examined, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Entry on  
premises.

SECTION 24. Inspectors shall, in addition to their inspections of animals for contagious diseases, examine the barns, stables or other enclosures in which neat cattle are kept, with reference to their situation, cleanliness, light, ventilation and water supply, and the general condition and cleanliness of the said neat cattle, and shall make a detailed report, with names and residences of owners, to

Examination  
of barns, etc.

the board, which shall embody it in its annual report to the general court.

Penalties.

SECTION 25. An animal which has been quarantined or isolated by order of the board of cattle commissioners or of any of its members or agents, or of an inspector, shall, during the continuance of such quarantine or isolation, be deemed to be affected with a contagious disease. Whoever knowingly breaks or authorizes or causes to be broken a quarantine so imposed, or whoever, contrary to such order of quarantine or isolation, knowingly removes an animal or authorizes or causes it to be removed from a building, place or enclosure where it is quarantined or isolated, or whoever, contrary to an order or notice of quarantine, knowingly places or causes or authorizes to be placed any other animal or animals within a building, place or enclosure where an animal is quarantined, or in contact therewith, or whoever knowingly conceals, sells, removes or transports, or knowingly causes or authorizes to be concealed, sold, removed or transported, an animal, knowing or having reasonable cause to believe that it is affected with a contagious disease, or whoever knowingly authorizes or permits such animal to go at large upon any public way within this commonwealth, or whoever knowingly brings or authorizes or permits to be brought from another country, state, district or territory into this commonwealth, an animal which is affected with or has been exposed to a contagious disease, or whoever disobeys a lawful order or regulation of the board of cattle commissioners or of any of its agents or inspectors in the performance of their duty under the provisions of this chapter, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Assessment  
of damages.

SECTION 26. If the owner who is entitled to compensation under the provisions of section six for the destruction of an animal affected with tuberculosis cannot agree with the commissioner condemning the same as to its value, the value shall be determined by arbitrators, one of whom shall be selected by the commissioner and one by the owner, or if the owner neglects or refuses for twenty-four hours to select one the arbitrator already selected shall select another, and if such arbitrators cannot agree, they shall select a third arbitrator. Such arbitrators shall be sworn faithfully to perform the duties of their office, and shall determine the value of such animal according to the provisions of section six; and the full value, so determined, shall be paid to the owner as provided in said section. Either party aggrieved by the doings of the board or of any of its members, under the provisions of section six, or by the award of such arbitrators, may file a petition for the assessment of his damages in the superior court for the county in which such animal was killed or in the county of Suffolk. Such petition shall be by or against the



board of cattle commissioners, and a copy thereof shall be served upon the respondent or, if the petition is against said board of cattle commissioners, upon one of the commissioners, in the same manner as other civil process. The petition shall be filed in the clerk's office of the superior court within thirty days after the killing of such animal or animals and shall be subject to the provisions of sections fifty-six and seventy-four of chapter one hundred and seventy-three and the petition may be tried in the same manner as other civil cases. If, upon the trial, it is determined that such animal was not affected with the disease for which it was condemned, reasonable compensation may be awarded therefor, and if the owner recovers damages in excess of the amount previously awarded to him by the arbitrators or allowed to him by the commissioners, he shall recover costs; otherwise he shall pay costs. The damages, costs and expenses incurred by the commissioners in prosecuting or defending such action shall be paid by the commonwealth.

(Section 27 of Chapter 90 of the Revised Laws, as amended by Section 2 of Chapter 515, Acts of 1908.)

SECTION 27. Whoever kills an animal or causes it to be killed, with the consent of the owner or person in possession thereof, upon suspicion that it is affected with or has been exposed to a contagious disease, and who, upon the inspection of the carcass thereof, finds or is of opinion that it is affected with a contagious disease, shall forthwith notify such owner or person in possession thereof, and the chief of the cattle bureau or an inspector of animals for the city or town in which such animal was kept, of the existence of such disease, and of the place where the animal was found, the name of the owner or person in possession thereof and of the disposal made of such carcass. Whoever violates the provisions of this section shall be subject to the same penalties as are provided in section twenty-three.

Notice to  
be given of  
contagious  
diseases.

(Section 28 of Chapter 90 of the Revised Laws, as amended by Section 1 of Chapter 6, Acts of 1911.)

SECTION 28. Contagious diseases, under the provisions of this chapter, shall include glanders, farcy, mange, contagious pleuropneumonia, tuberculosis, Texas fever, foot-and-mouth disease, rinderpest, hog cholera, rabies, anthrax or anthracoid diseases, sheep scab and actinomycosis.

Contagious  
diseases  
defined.

SECTION 29. Whoever fails to comply with a regulation made, or an order given, by the board of cattle commissioners or by any of its members, in the discharge of its or his duty, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Penalty for  
disobedience  
of order of  
board.

Certain cattle  
not to be driven  
on streets, etc.

SECTION 30. Texan, Mexican, Cherokee, Indian or other cattle, which the board has reason to believe may spread contagious disease, shall not be driven on the streets of a city or town or on any road in this commonwealth, or outside the stock yards connected with any railroad in this commonwealth, contrary to an order of the board, and they shall be kept in different pens from those in which other cattle are kept in all stock yards in the commonwealth. Whoever violates the provisions of this section shall be punished by a fine of not less than twenty nor more than one hundred dollars.

(Section 31 of Chapter 90 of the Revised Laws, as amended by Chapter 322, Acts of 1903.)

Use of  
tuberculin  
restricted,  
etc.

SECTION 31. Tuberculin as a diagnostic agent for the detection of tuberculosis in domestic animals shall be used only upon cattle brought into the commonwealth and upon cattle at Brighton, Watertown and Somerville; but it may be used as such diagnostic agent on any animal in any other part of the commonwealth, with the consent in writing of the owner or person in possession thereof, and upon animals which have been condemned as tuberculous upon physical examination by a competent veterinary surgeon. Such tests by the use of tuberculin shall be made without charge to citizens of the commonwealth, and in all other cases the expense of such tests shall be paid by the owners of such animals or by the person in possession thereof.

Tests free to  
citizens.

Compensation  
for animals  
tested with  
tuberculin.

SECTION 32. A person who has animals tested with tuberculin shall not be entitled to compensation from the commonwealth for any animals which react to the tuberculin test unless they have been tested by the board of cattle commissioners or its authorized agents, acting as such at the time of the test, and such testing shall be subject to the supervision and control of the board.

No compensa-  
tion to violators  
of regulations.

SECTION 33. No compensation shall be allowed by the commonwealth to an owner of condemned cattle who has failed to comply with the reasonable regulations of the board relative to cleanliness, ventilation, light, disinfection and water supply. An owner of cattle who refuses to comply with any such regulation shall be punished by a fine of not more than fifty dollars.

Enforcement  
of provisions.

SECTION 34. The superior court shall have jurisdiction in equity to enforce the provisions and restrain violations of the provisions of this chapter.

---

SECTION 111, CHAPTER 75, REVISED LAWS.

Killing and  
rendering of  
horses, etc.

SECTION 111. A person, partnership or corporation engaged in or desiring to engage in the business of killing horses, or in the carrying on of a melting or rendering establishment, shall annually, in



March, apply for a license to the board of health of the city or town in which such business is to be carried on. The application shall be in writing and signed by the person or persons who desire to carry on such business, or, if the applicant is a corporation, by a duly authorized officer thereof. It shall state the names in full and the addresses of all the persons who desire to carry on such business, or, if a corporation is the applicant, the names of all the officers thereof and the street or other place where the business is to be conducted. The board of health of a city or town may grant such licenses after it is satisfied that the applicants have a suitable building and plant in a situation approved by said board and that they have suitable trucks or wagons for the removal of dead animals. The license shall state the name of the licensee, the situation of the building or establishment in which the business is to be carried on, and shall continue in force until the first day of April of the year next ensuing, unless sooner revoked. The board of health shall keep a record of such licenses which are granted by it, and shall notify the board of cattle commissioners of the granting of any such license, giving the name and address of the licensee. The fee for a license shall not exceed one dollar, and a license may be revoked at any time by the board of health. Licensees shall report to the board of cattle commissioners, in such form and at such times as it may order, every animal received by them which is found to be infected with a contagious disease. No unlicensed person shall carry on the business of killing horses or of melting and rendering. So much of section twenty-five of chapter ninety as provides that no person shall knowingly sell an animal with a contagious disease shall not apply to any person who sells such animal to a licensee under the provisions of this section, if such animal is to be killed or rendered at the establishment of such licensee. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

Boards of health to keep record of licenses granted, and notify chief of cattle bureau of all licenses granted, and names and addresses of licensees. See chap. 243, Acts of 1907.

Licensees to report all cases of contagious diseases to chief of cattle bureau. See chap. 243, Acts of 1907.

---

ACTS OF 1907, CHAPTER 243.

AN ACT RELATIVE TO THE NOTICE REQUIRED BY LAW TO BE GIVEN BY BOARDS OF HEALTH, CORPORATIONS AND PERSONS IN CERTAIN CASES.

*Be it enacted, etc., as follows:*

SECTION 1. The notice required by section seventy of chapter fifty-six and by sections one hundred and one hundred and eleven of chapter seventy-five of the Revised Laws to be given by boards of health, corporations or persons to the board of cattle commissioners shall be given to the chief of the cattle bureau of the state

Notice to be given chief of cattle bureau.



3 0112 098432641

board of agriculture; and the penalties for failure to give such notice to the chief of the cattle bureau shall be the same as are specified in the said chapters for failure to give such notice to the board of cattle commissioners.

SECTION 2. This act shall take effect upon its passage. [Approved March 25, 1907.]

---

CHAPTER 381, ACTS OF 1911.

AN ACT TO PROVIDE FOR THE INSPECTION AND REGULATION BY THE CATTLE BUREAU OF THE STATE BOARD OF AGRICULTURE OF PLACES WHERE NEAT CATTLE, OTHER RUMINANTS OR SWINE ARE KEPT.

*Be it enacted, etc., as follows:*

Inspection,  
etc., of places  
where neat  
cattle, etc., are  
kept, etc.

SECTION 1. The chief of the cattle bureau and his agents are hereby authorized to enter and inspect all barns, stables, pastures, yards and other places where neat cattle, other ruminants, or swine are kept. The chief of the cattle bureau may make and enforce all reasonable rules and regulations respecting the sanitary condition of such barns, stables and other places, and of the neat cattle, other ruminants and swine kept therein, such rules and regulations to be subject to approval by the governor and council.

Report.

SECTION 2. The state board of health, the dairy bureau, and boards of health of cities and towns shall report to the chief of the cattle bureau any and all cases brought to their attention where barns, stables or other enclosures, in which neat cattle, other ruminants or swine are kept, are found to be in an unsanitary condition.

Penalty.

SECTION 3. Whoever prevents or hinders the chief of the cattle bureau or any agent thereof from exercising the powers hereby conferred shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days.

Certain  
powers of the  
board of health  
not affected.

SECTION 4. Nothing in this act shall be construed to nullify or affect the powers and duties of boards of health conferred upon them by sections sixty-seven to seventy-four, inclusive, of chapter seventy-five of the Revised Laws, and by sections sixty-nine to seventy-two, inclusive, of chapter one hundred and two of the Revised Laws. [Approved May 1, 1911.]